



CUMBERLAND  
CITY COUNCIL

# Privacy Management Plan

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	POL-006
<b>Policy Owner</b>	Director Governance & Risk
<b>Date Adopted</b>	5 July 2023
<b>Version No</b>	2.0
<b>Document ID</b>	3262077
<b>Review Date</b>	5 July 2027

## INTRODUCTION

This Privacy Management Plan (PMP) explains how Cumberland City Council (Council) manages personal and health information in accordance with NSW privacy laws. This includes:

- [Privacy and Personal Information Protection Act 1998](#) (PPIP Act)
- [Health Records and Information Privacy Act 2002](#) (HRIP Act)

The *Privacy and Personal Information Protection Act 1998* provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the *Privacy and Personal Information Protection Act 1998* requires all councils to prepare a Privacy Management Plan, which must include:

- How Council develops policies and practices that ensure compliance the PPIP Act and the HRIP Act
- How those policies and practices are disseminated within Council
- The procedures Council has for internal review
- Such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it

## PURPOSE

With regard to Cumberland City Council's management of privacy, Council follows a *privacy by design* approach, which ensures good privacy practices are built into Council's decision-making processes, as well as the design and structure of information systems, business processes, products, and services.

At all stages of initiatives, from conception through to the development and implementation phases, privacy is a fundamental consideration.

To that end, the purpose of Council's Privacy Management Plan is to:

- Ensure that Council has identified how the requirements of the PPIP Act and the HRIP Act apply to the personal and health information that it manages
- Explain the agency's functions and activities and the main types of personal or health information that the agency deals with to carry out those functions and activities
- Explain Council's strategies to comply with the PPIP Act and HRIP Act
- Provide Council staff with the necessary knowledge and skills to manage personal and health information appropriately
- Ensure that members of the public understand:
  - How to make a complaint or request an internal review if they consider that their privacy may have been breached.
  - How to request access to their personal or health information or an amendment of that information to ensure that it is accurate
  - Encourage the agency to be transparent and accountable in how it manages personal and health information.

## SCOPE

This Plan, in accordance with the PPIP Act and the HRIP Act, applies to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including community members of those committees which may be established under section 355 of the *Local Government Act 1993*).

Council will ensure that all such parties are made aware that they must comply with the PPIP Act, the HRIP Act, any other applicable Privacy Code of Practice and this Plan.

Note, separate to this Privacy Management Plan, Council has a [Data Breach Response Policy](#) that sets out procedures for managing a data breach, which includes considerations around notifying those persons whose privacy may be affected by the breach.

## WHAT IS PERSONAL AND HEALTH INFORMATION?

‘Personal information’ is defined in Section 4 of the PPIP Act as follows:

*“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.”*

Section 4 of the PPIP Act states that the definition of personal information does not include:

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

The [Privacy and Personal Information Protection Regulation 2019](#) gives further examples of information not considered personal information, such as:

- Information about an individual that is contained in a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition.
- State records under the control of the State Archives and Records Authority that is available for public inspection in accordance with the [State Records Act 1998](#).
- Public archives (within the meaning of the *Copyright Act 1968*).

‘Health Information’ is defined by Section 6 of the HRIP Act as follows:

- “(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”*

Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services.

## **HOW CUMBERLAND CITY COUNCIL COLLECTS PERSONAL AND HEALTH INFORMATION**

Cumberland City Council collects and receives people’s personal and health information in a variety of ways in order to perform services and functions. Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Council takes steps to ensure the information it collects is relevant, accurate, complete, and not excessive. This includes collecting the information directly from the individual wherever possible, reconfirming details, and maintaining up-to-date databases.

Information may be collected by Council electronically, via phone, or in-person from:

- Members of the public
- NSW and Commonwealth Public Sector Agencies
- Businesses
- Non-governmental organisations
- Medical professionals
- Employees
- Council owned businesses
- Consultants
- Private contractors
- Council committees.

Where customers make enquiries over the phone, recordings are kept by Council’s Customer Service staff for quality and training purposes only. Council’s phone systems will display the phone number of the person who called, except for private or silent numbers. Where a customer enquiry cannot be immediately resolved, Customer Service staff will offer to take a name and contact information for the person so the appropriate officer within Council can respond.

External and related parties, such as Council-owned businesses, consultants, private contractors, and Council Committees are also required to comply with this Privacy Management Plan, the PPIP Act, the HRIP Act, as well as the relevant Privacy Codes of Practice. Council will seek to contractually bind each of these bodies to comply with the PPIP Act and the HRIP Act. Where any external or related party collects personal or health information on behalf of Council, these entities shall obtain written authorisation and consent for that collection from those persons in accordance with Information Protection Principle 3. Persons from whom information is collected shall be notified of the intended recipients and other matters required by that principle.

Council has a range of functions that require or involve the collection of personal and health information. These include, but are not limited to:

- Answering customer services enquiries
- Processing service requests from residents
- Levying and collecting rates
- Holding property records
- Financial transaction records
- Managing leases
- Managing contracts
- Providing childcare services
- Providing library services
- Providing waste collection services
- Consultation with the community, businesses and other stakeholders
- Assessing Development Applications
- Assessing objections to Development Applications
- Images captured from Council's CCTV technology
- Images captured from Council events and functions
- Assessing applications
- Recording, investigating and managing complaints and allegations
- Site inspections and audits
- Responding to petitions
- Incident management
- Enforcing regulations and legislation
- Issuing approvals, consents, licences and permits
- Submissions received from Council's community engagement activities
- Providing funding grants and sponsorship
- Maintaining the non-residential register of electoral information
- Work, health and safety records
- Recording Councillor and employee medical information
- Recording Councillor and employee disciplinary matters
- Recording Councillor and employee financial information
- Recording Councillor and employee disclosures of interest
- Recording Councillor and employee entitlements to fees, expenses, wages and facilities
- Recording Councillor and employee personal contact information
- Photographs of Councillors and employees undertaking official duties
- Recruitment materials from current and former employees
- Pre-employment checks from current and former employees
- Performance evaluations of current and former employees
- Redundancy and termination decisions from current and former employees.

Council will collect all personal and health information directly from the individual to whom the information relates, except in the cases where indirect collection is authorised by a relevant statutory exemption or Code of Practice.

The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age. When Council anticipates that it may otherwise need to collect personal information indirectly, it will first obtain the authorisation of each individual.

Where Council collects personal information indirectly from another public sector agency in respect to any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 3 contains a sample Privacy Notification Form that could be used for post-collection.

### **Unsolicited Information**

Where an individual, a group or committee not established by Council gives Council unsolicited personal or health information, that information should be still treated in accordance with this Plan, the Codes of Practice, the HRIP Act and the PPIP Act with regard to the storage, access, use and disclosure of information.

Note that, for the purposes of Section 10 of the HRIP Act and Section 4 (5) of the PPIP Act, Council is not considered to have “collected” health or personal information if the receipt of the information by Council is unsolicited.

### **Privacy Protection Notice**

In accordance with the Information Protection Principle 3 and Health Privacy Principle 4 of the under the PPIP Act and the HRIP Act, where Council proposes to collect personal or health information directly from the person, it will inform that person:

- That the personal/health information is being collected.
- The purpose for the collection.
- The intended recipient of the information.
- Whether the supply of information is voluntary or required by law, and any consequences for the individual if the information is not provided.
- The existence of any right to access and correct the information.
- The name of the public sector agency that is collecting the information and the agency that is to hold the information.

Certain application procedures will require a Privacy Notification Form, which is included in Appendix 2 of this Plan. Examples of application procedures that require a Privacy Notification Form are:

- Lodging Development Applications;
- Lodging objections to Development Applications;
- Lodging applications for approval under the LGA;

- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2); and
- When collecting an impounded item.

Privacy Notification Forms that may be attached to a Development Application provided to objectors may state that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Before adopting a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the Equal Employment Opportunity Officer, Council's solicitor, Public Officer or other suitable person. Should Council have any residual doubts regarding the new form, the opinion of the Office of the Privacy Commissioner NSW will be sought.

## **HOW CUMBERLAND CITY COUNCIL MANAGES PERSONAL AND HEALTH INFORMATION**

### **Storage of Personal and Health Information**

Personal and health information are stored by Council electronically and in hard-copy files. All enquiries are registered in an electronic enquiry register. When correspondence is sent to Council, a full copy is kept by Council in its electronic document management system or in a hard-copy file that can only be accessed by Council staff.

Council encourages a 'clean desk' approach, whereby hard-copy files are secured at the end of the day when not in use.

Where Council officials are required to take files off site, for example to attend tribunals or court, documents are not left unattended and other persons are prevented from accessing these documents.

Systems, databases, and information management are provided to Council by the following entities:

<b>Name of Company</b>	<b>Nature of Service to Council</b>
E-Procure	Procurement management
TechOne	Human resourcing, document storage, record management, finance
Pulse	Staff training, staff data, document storage
I-Archive	Database
Vault	Incident, injury and illness report management
InfoCouncil	Report writing software
Microsoft	Computer Software
CircleScan	Visitor Management System (VMS)

With regard to information technology, each member of Council staff has unique user accounts and passwords on computer systems that require multifactor authentication. Staff do not give out passwords to any other persons or let other persons make use of their login.

In addition, Council's record management and document storage systems allows for access controls to ensure that only authorised staff can access sensitive information. Council's record management and document storage systems are backed up daily.

Where Council is required to destroy sensitive documentation, Council uses locked bins from which documents are securely destroyed.

Hard copy files are located both on-site at Council's Merrylands and Auburn administration buildings, located at 16 Memorial Avenue, Merrylands and 1 Susan Street, Auburn. Council also utilises an off-site storage service, which is in compliance with the *State Records Act 1998*. The facility is managed by the Information Management Group, which is headquartered at Suite 201, Level 2, 32 Martin Place Sydney, NSW 2000.

In the exercise of its regular functions, Council utilises the services of private sector companies, contractors, or other government agencies. Where these entities have access to personal and health information, Council ensures information is managed in line with the PPIP Act, the HRIP Act and information security policies. Council may do this by either asking for evidence of their information handling processes or inserting a privacy clause into contracts.

Council will also consider how a private sector company, government agency or contractor will manage personal or health information they may have access to before engaging with them.

An external entity that may manage or collect personal information on behalf of Council may include:

- TechOne in providing information technology and human resources systems and support
- A secure shredding company in order to carry out the destruction of sensitive documents
- Temporary staff procured from providers under government contracts
- Independent contractors
- Consultants
- IT contractors

## **Access and Accuracy to Personal and Health Information**

Only authorised employees of Council as well as authorised third parties, are able to access personal and health information held by Council. Prior to the use of personal or health information, Council employees shall take all reasonable steps to ensure its accuracy. These reasonable steps include directly collecting information from the individual, as well as reconfirming details and maintaining up-to-date databases.

Everyone has a right to access the personal and health information Council holds about them. Everyone also has the right to amend their own personal and health information held by Council, for example their personal contact details. These rights are set out under Sections 13-16 of the PPIP Act.

Council is also required to provide members of the public with access to the personal and health information it holds about them without excessive delay or expense. Council does not charge a fee to members of the public for accessing or amending their own personal or health information.



Council's contact details are as follows:

**Phone:** (02) 8757 9000  
**Email:** [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)  
**Post:** PO Box 42, Merrylands NSW 2160  
**In-Person:** 16 Memorial Avenue Merrylands or 1 Susan Street, Auburn

Application forms to ascertain if personal or health information is held by Council, or applications to access or amend that information can be found in the appendices of this Plan. Applications consider the relevant provisions of the *Government Information (Public Access) Act 2009*. With regard to applications to ascertain if information is held or access information held by Council, ordinarily a response will be provided within 28 days.

Council is prohibited from providing one person access to another person's personal and health information. However, the PPIP Act and HRIP Act set out certain exceptions, as follows:

- Under Section 26 of the PPIP Act, a person can give Council consent to disclose their personal information to someone that would not normally have access to it.
- Under Section 7 and 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else.
- 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, to find a missing person or for compassionate reasons.

### **Use of Personal and Health Information**

Council may use personal and health information:

- For the purpose for which it was collected, i.e., in order to deliver a service or process an application.
- For a related secondary purpose where it is reasonable necessary for the proper exercise of Council's functions, i.e., enforcement, notification of development, billing, processing, reporting and other administrative activities.
- If Council believes that the use is necessary to prevent or lessen a serious and imminent threat to life or health.
- For another purpose for which the person has provided their consent.

Council employees may also use personal and health information to:

- Provide advice regarding its services (i.e., newsletters).
- Conduct research.
- To continually improve the services it provides.

### **Disclosure of Personal and Health Information**

Council does not disclose personal or health information without the express consent of the person to whom the information relates, unless the disclosure is:

- Directly related to the purpose that Council collected the information and Council has no reason to believe the person would object to the disclosure.
- The individual is reasonably likely to have been aware, or has been made aware that information of that kind is usually disclosure to that other person or body.
- Is necessary to prevent or lessen a serious and imminent threat to someone's life or health.
- Is permitted under the PPIP Act, HRIP Act, or other legislation.

Council will not disclose sensitive personal and health information relating to a person's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health, or sexual activities without consent, unless such disclosure is necessary to prevent or lessen a serious and imminent threat to life or health.

Where lawful and practical, Council will allow people to remain anonymous, for example through customer service enquiries, online surveys, or other forms of community engagement.

Council may disclosure personal and health information through a referral to other government agencies, oversight, or investigative bodies such as:

- Law Enforcement, including the Police and the Director of Public Prosecutions
- NSW and Commonwealth Courts and Tribunals
- The Information and Privacy Commission
- The Independent Commission Against Corruption
- The NSW Ombudsman
- The Department of Home Affairs
- Services Australia
- The Department of Veteran's Affairs
- The NSW Parliament and NSW Parliamentary Committees
- NSW Government Agencies.

## **Government Information (Public Access) Act 2009**

With regard to the *Government Information (Public Access) Act 2009*, Council may deem there is an overwhelming public interest against the disclosure of information and has decided not to release that information to an applicant. Often, this includes personal information.

## **THE INFORMATION PROTECTION PRINCIPLES AND HEALTH PRIVACY PRINCIPLES**

### **The Information Protection Principles**

[Part 2, Division 1](#) of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) contains 12 Information Protection Principles (IPPs) with which Council must comply. Below is an overview of the principles as they apply to Council.

#### **Collection**

1. Cumberland City Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities.

2. Cumberland City Council collects personal information directly from the person concerned.
3. Cumberland City Council informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. Council will tell people how they can access and amend their personal information and any possible consequences if they decide not to give their personal information to us.
4. Cumberland City Council ensures personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.

## **Storage**

5. Cumberland City Council stores personal information securely, keeps it no longer than necessary and destroys it appropriately. Personal information is protected from unauthorised access, use, or disclosure.

## **Access and accuracy**

6. Cumberland City Council is transparent about any personal information that is stored, what it is used for, and the right to access and amend it.
7. Cumberland City Council allows people to access their own personal information without unreasonable delay or expense.
8. Cumberland City Council allows people to update, correct, or amend their personal information where necessary.
9. Cumberland City Council makes sure that personal information is relevant and accurate before using it.

## **Use**

10. Cumberland City Council only uses personal information for the purpose it was collected for unless the person consents to the information being used for an unrelated purpose.

## **Disclosure**

11. Cumberland City Council will only disclose personal information with people's consent unless they were already informed of the disclosure when the personal information was collected.
12. Cumberland City Council does not disclose, without consent, sensitive personal information, such as ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities, or trade union membership.

## **Exemptions to the Information Protection Principles**

[Part 2, Division 3](#) of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) contains statutory exemptions that may allow Council to not comply with the Information Protection Principles (IPPs) in certain situations. The exemptions should be applied only in very obvious circumstances and legal advice should be sought. Examples of statutory exemptions include the following:

<b>PIIP Act Reference</b>	<b>Statutory Exemption</b>
Section 23(2)	Permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.
Section 23(3)	Permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.
Section 23(4)	Permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. <i>Law enforcement purposes</i> means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. <i>Protection of the public revenue</i> means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.
Section 23(5)(a)	Permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. <i>Law enforcement purposes</i> means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
Section 23(5)(b)	Permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
Section 23(5)(c)	Permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
Section 23(5)(d)(i)	Permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. <i>Protection of the public revenue</i> could mean a fraud with respect to taxes or other

	revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
Section 23(5)(d)(ii)	Permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.
Section 23(7)	Permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.
Section 24(4)	Extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principles 2, 3, 10 and 11 if a council is: <ul style="list-style-type: none"> <li>(i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and</li> <li>(ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.</li> </ul>
Section 25(a)	Permits non-compliance with Information Protection Principles 2, 3, 6, 7, 8, 10, 11 and 12 where the agency is lawfully authorised or required not to comply with the principle.
Section 25(b)	Permits non-compliance with Information Protection Principles 2, 3, 6, 7, 8, 10, 11 and 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
Section 26(1)	Permits non-compliance with Information Protection Principles 2 and 3 if compliance would prejudice the interests of the individual concerned.
Section 26(2)	Permits non-compliance with Information Protection Principles 3, 11 and 12 where the person expressly consents to such non-compliance.
Section 27A	Permits non compliance with Information Protection Principles 1, 2, 3, 4, 10, 11 and 12 where: <ul style="list-style-type: none"> <li>a) the agency is providing the information to another public sector agency or the agency is being provided with the information by another public sector agency, and</li> <li>b) the collection, use or disclosure of the information is reasonably necessary— <ul style="list-style-type: none"> <li>i. to allow any of the agencies concerned to deal with, or respond to, correspondence from a Minister or member of Parliament, or</li> <li>ii. to enable inquiries to be referred between the agencies concerned, or</li> <li>iii. to enable the auditing of the accounts or performance of a public sector agency or group of public sector agencies (or a program</li> </ul> </li> </ul>

	administered by an agency or group of agencies).
Section 27B	<p>Permits non-compliance with Information Protection Principles 1, 2, 3, 4, 10, 11 and 12 where:</p> <ul style="list-style-type: none"> <li>a) the collection, use or disclosure of the information is reasonably necessary for the purpose of research, or the compilation or analysis of statistics, in the public interest, and</li> <li>b) in the case where the agency would otherwise contravene section 9 in respect of the collection of the information—it is unreasonable or impracticable for the information to be collected directly from the individual to whom the information relates, and</li> <li>c) in the case of the use or disclosure of the information—either— <ul style="list-style-type: none"> <li>i. the purpose referred to in paragraph (a) cannot be served by the use or disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the agency to seek the consent of the individual for the use or disclosure, or</li> <li>ii. reasonable steps are taken to de-identify the information, and</li> </ul> </li> <li>d) in the case where the use or disclosure of the information could reasonably be expected to identify individuals—the information is not published in a publicly available publication, and</li> <li>e) the collection, use or disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph.</li> </ul>
Section 28(3)	Permits non-compliance with Information Protection Principles 10, 11 and 12 where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

## The Privacy Code of Practice for Local Government

Cumberland City Council is required to comply with the [Privacy Code of Practice for Local Government](#) as prepared by the Information and Privacy Commission and revised on 20 December 2019. The effect of the Privacy Code is to modify the application of certain Information Protection Principles as they relate to local government.

Information Protection Principle	Departure from Principle
2	Where indirect collection of personal information is reasonably necessary when an award, prize, benefit or

	similar form of personal recognition is intended to be conferred upon the person to whom the information relates.
<b>3</b>	Where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.
<b>10</b>	<p>Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:</p> <ul style="list-style-type: none"> <li>i. where the use is in pursuance of 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</li> <li>ii. 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.</li> </ul>
<b>11</b>	<ol style="list-style-type: none"> <li>1. Council may disclose personal information to public sector agencies or public utilities on condition that: <ul style="list-style-type: none"> <li>i. the agency has approached Council in writing;</li> <li>ii. Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and</li> <li>iii. Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.</li> </ul> </li> <li>2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.</li> <li>3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.</li> </ol>
<b>12</b>	Where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for

	Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.
--	---

## **Offences against the PPIP Act**

Offences can be found under [Part 8](#) of the *Privacy and Personal Information Protection Act 1998* which outlines that it is an offence for Council to:

- Intentionally disclose personal information for an unauthorised purpose.
- Supply personal information that has been disclosed unlawfully.
- Hinder the Privacy Commissioner or their employees in the exercise of its functions.

## **Health Privacy Principles**

[Schedule 1](#) of the *Health Records and Information Privacy Act 2002* contains 15 Health Privacy Principles that Council must comply with. Below is an overview of the principles as they apply to Council:

### **Collection**

1. Cumberland City Council collects health information only for lawful purposes that are directly related to Council's functions and activities.
2. Cumberland City Council makes sure health information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.
3. Cumberland City Council collects health information directly from the person concerned.
4. Cumberland City Council informs people why their health information is being collected, what it will be used for and to whom it will be disclosed. Council will tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to Council.

### **Storage**

5. Cumberland City 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.

### **Access and accuracy**

6. Cumberland City Council is transparent about the health information stored about people, what the information is used for, and the right to access and amend it.
7. Cumberland City Council allows people to access their own health information without unreasonable delay or expense.



8. Cumberland City Council allows people to update, correct, or amend their health information where necessary.
9. Cumberland City Council makes sure the health information is relevant and accurate before using it.

## **Use**

10. Cumberland City Council only uses health information for the purpose it was collected for unless the person consents to the information being used for an unrelated purpose.

## **Disclosure**

11. Cumberland City Council will only disclose health information with people's consent, unless they were already informed of the disclosure when the health information was collected.

## **Identifiers and anonymity**

12. Cumberland City Council do not use unique identifiers for health information, as they are not needed to carry out the functions of Council.
13. Cumberland City Council allows people to stay anonymous where it is lawful and practical.

## **Transfers and linkage**

14. Cumberland City Council does not usually transfer health information outside of NSW.
15. Cumberland City Council does not currently use a health records linkage system and does not anticipate using one in the future. However, if one were to be used, Council would not use one without people's consent.

## **Exemptions to the Health Privacy Principles**

[Schedule 1](#) of the *Health Records and Information Privacy Act 2002* additionally contains statutory exemptions that allow Council not to comply with the Health Privacy Principles in certain situations. The exemptions should be applied only in very obvious circumstances and legal advice should be sought. Examples of statutory exemptions include the following:

- Non-compliance with Health Privacy Principles 4, 5, 6, 7, 8, 10, 11 and 15 is permitted if Council is lawfully authorised or required not to comply.
- Non-compliance with Health Privacy Principles 4, 5, 6, 7, 8, 10, 11 and 15 is permitted if Council is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the [State Records Act 1998](#)).

- Non-compliance with Health Principle 4 is permitted if:
  - The individual to whom the information relates has expressly consented to the organisation not complying with it, or
  - Compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or
  - The information concerned is collected for law enforcement purposes, or
  - The organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.
  
- Non-compliance with Health Privacy Principle 11 is permitted if Council discloses information to another investigative agency.
  
- Non-compliance with Health Privacy Principle 15 is permitted if the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with Health Privacy Principle 10 or a disclosure of the information that complies with Health Privacy Principle 11.

## **Health Records and Information Privacy Code of Practice**

Cumberland City Council is required to comply with the [Health Records and Information Privacy Code of Practice 2005](#). The effect of the Privacy Code is to modify the application of certain Health Privacy Principles where Council cooperates with human services agencies (agencies that provide welfare, health, mental health, disability, drug and alcohol treatment, housing, and support, as well as education services).

- Under Part 2, Section 4 (2) of the Privacy Code, Council *“may collect and use health information about an individual, and may disclose health information about the individual to another human services agency or an allied agency, if the collection, use or disclosure is in accordance with a written authorisation given by a senior officer of the authorised agency.”*

## **Offences against the HRIP Act**

Offences can be found under [Part 8](#) of the Health Records and Information Privacy Act 2002 and outline that criminal penalties apply in the case that:

- Health information is disclosed for an unauthorised purpose.
- A person induces or attempts to induce a public official to disclose health information by way of bribe or other corrupt conduct.
- Health Information is disclosed unlawfully.

## **PUBLIC REGISTERS**

A public register is defined in Section 3 of the PPIP Act:

*“public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).”*

Under the [Local Government Act 1993](#), Council is obligated to maintain the following public registers:

- Land Register
- Records of Government Contracts
- Register of Pecuniary Interests
- Government Information (Public Access) Disclosure Log
- Record of Approvals
- Contributions Register
- Rates Record
- Register of Consents and Approvals
- Record of Building Certificates
- Public Register of Licences Held
- Record of Impounding

Council may have other registers that are not considered to be public registers. These registers may not be publicly available or may not contain personal or health information.

With regard to the disclosure contained within public registers, Part 6 Section 57 of the PPIP Act states Council must not disclosure any personal information kept in the register unless Council is satisfied that it is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Council may require any person who applies to inspect personal information contained in a public register to give particulars, in the form of a statutory declaration, as to the intended use of any personal information.

### **Applications for access to own records on a public register**

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

### **Applications for suppression in relation to a public register**

An application for suppression in relation to a public register will be dealt with under the PPIP Act, rather than section 739 of the *Local Government Act 1993*.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under Section 58 of the PPIP Act to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with Section 58(2) of the PPIP Act ('Well-being' is defined in the Macquarie Dictionary as "*the good or satisfactory condition of existence; welfare.*")

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. Council may require supporting documentation where appropriate.

## **INTERNAL AND EXTERNAL REVIEW**

### **How does the process of Internal Review operate?**

Under section 53 of the PPIP Act, a person (the applicant) who is aggrieved by the conduct of Council is entitled to a review of that conduct. An application for internal review is to be made within **6 months** of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. Applicants should use Council's Privacy Complaint – Internal Review Application form when submitting a written request for a review with Council (refer to Appendix 7).

The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitably qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

Council must notify the applicant of the outcome of the review within **14 days** of its determination.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

### **The Privacy Commissioner's role in Internal Reviews**

The Privacy Commissioner has an oversight role in how agencies handle privacy complaints and is entitled to make submissions to Cumberland City Council regarding internal reviews.

With regard to the Privacy Commissioner, Council is required to:

- Consider any relevant material submitted by the Privacy Commissioner.
- Provide the Privacy Commissioner with a draft of the Council's internal review report to enable the Privacy Commissioner to make a submission.
- Provide the Privacy Commissioner with a copy of the final review, where it departs from the draft review.

Council may provide a copy of any submission by the Privacy Commissioner to the applicant.

If Council receives an internal review application, it will:

- Notify the Privacy Commissioner of the application as soon as practicable after receiving the application.
- Keep the Privacy Commissioner informed of the progress of the internal review.
- Inform the Privacy Commissioner of the findings of the review and the action proposed to be taken by Council in relation to the matter.

The Information and Privacy Commission can be contacted at:

**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
**Phone:** 1800 472 679  
**Address:** Level 15, Mckell Building, 2-24 Rawson Place, Haymarket NSW  
**Postal:** GPO Box 7011, Sydney NSW 2000  
**Website:** <https://www.ipc.nsw.gov.au>

## **External Review**

If a person (the applicant) is unhappy with the outcome of the internal review conducted by Cumberland City Council or does not receive an outcome within 60 days, the applicant has the right to seek an external review by the NSW Civil and Administrative Tribunal (NCAT).

The applicant has **28 calendar days** from the date of the internal review decision to seek an external review under Section 53 of the *Administrative Decisions Review Act 1997* (NSW).

To request an external review, the applicant must apply directly to the NCAT, which has the power to make binding decisions on an external review.

The NCAT cannot give legal advice, however the NCAT website has general information about the process it follows and legal representation.

To apply for an external review or to obtain more information about seeking an external review, including current forms and fees, NCAT can be contacted on:

**Email:** [aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)  
**Phone:** 1300 006 228  
**Address:** Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000  
**Post:** PO Box K1026, Haymarket NSW 1240  
**Website:** <http://www.ncat.nsw.gov.au>

## **Other Ways to Resolve Privacy Concerns**

Cumberland City Council welcomes the opportunity to discuss any privacy issues a person may have. It is encouraged to try to resolve privacy issues with Cumberland City Council informally before lodging an internal review. Concerns with Cumberland City Council can be raised by:

- Contacting the Privacy Contact Officer.
- Making a complaint directly to the Privacy Commissioner.
- Using Cumberland City Council's complaint process. For further information, view Council's *Compliments and Complaints Management Policy*.

Please keep in mind that a person (the applicant) has **six months** from when first becoming aware of the potential breach to seek an internal review. This six-month time frame continues to apply even if attempts are being made to resolve privacy concerns informally. This time frame should be considered when deciding whether to make a formal request for internal review or continue with informal resolution.

## **IMPLEMENTING THE PRIVACY MANAGEMENT PLAN**

### **Training Seminars/Induction**

During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of Council, including staff of Council businesses, and members of Council committees should be acquainted with the general provisions of the PPIP Act, the HRIP Act and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

### **Responsibilities of the Privacy Contact Officer**

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIP Act and the HRIP Act, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIP Act.

Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- Fast screen savers;
- Face the computers away from the public; or
- Only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should Council require, the Privacy Contact Officer may assign designated officers as 'Privacy Resource Officers', within the larger departments of Council. In this manner Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

Contact Council's Privacy Contact Officer at:

**Privacy Contact Officer**

**Email:** [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)  
**Telephone:** (02) 8757 9000  
**Address:** 16 Memorial Avenue, Merrylands NSW 2160  
**Postal:** PO Box 42, Merrylands NSW 2160  
**Website:** [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)

**Distribution of Information to the Public**

The Privacy Management Plan is a guarantee of service to stakeholders on how Council manages personal and health information. This Plan is required to be publicly available as open access information under the *Government Information (Public Access) Act 2009* (GIPA Act).

Council promotes public awareness of its Privacy Management Plan by:

- Writing the plan in plain English.
- Publishing it on Council's website.
- Providing hard copies of the plan free on charge on request.
- Translating the Plan into other languages and alternative formats upon request.
- Referring to the plan in Council's privacy notices.
- Informing people about the Plan when responding to enquiries about personal and health information.

In addition, Council may prepare its own literature such as pamphlets on the PPIP Act, HRIP Act or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

## **Other Relevant Matters**

The information practices relating to the collection, storage, and use of personal or health information will be reviewed by Council every four (4) years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIP Act or the HRIP Act.

The Privacy Management Plan will also be reviewed every four (4) years to ensure that the Plan is up to date.

## **RELEVANT LEGISLATION**

[Local Government Act 1993](#)

[Privacy and Personal Information Protection Act 1998](#)

[Privacy and Personal Information Protection Regulation 2019](#)

[Health Records and Information Privacy Act 2002](#)

[Privacy Code of Practice for Local Government 2019](#)

[Health Records and Information Privacy Code of Practice 2005](#)

[Copyright Act 1968](#)

[State Records Act 1998](#)

[Government Information \(Public Access\) Act 2009](#)

## **RELEVANT COUNCIL DOCUMENTATION**

[Data Breach Response Policy](#)



**Appendix 1: Statutory Declaration for access under  
Section 57 of the Privacy and Personal Information  
Protection Act 1998 to a Public Register held by Council**

**Statutory Declaration**  
**Oaths Act, 1900, Ninth Schedule**

I, the undersigned <sup>(1)</sup>

(1) insert full

name .....

of <sup>(2)</sup> .....

(2) insert address

in the State of New South Wales, do solemnly and sincerely declare that: I am <sup>(3)</sup>

.....

(3) insert relationship, if  
any, to person inquired

I seek to know whether <sup>(4)</sup> .....

about

(4) Insert name

is on the public register of <sup>(5)</sup> .....

(5) Applicant to describe  
the relevant public public  
register

The purpose for which I seek this information is <sup>(6)</sup>

.....

(6) insert purpose for  
seeking information

The purpose for which the information is required is to <sup>(7)</sup>

(7) insert purpose

.....

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

.....  
**Signature of Applicant**

Declared at: .....

Signature of Deponent: .....

Name of witness: .....

Address of witness: .....

Capacity of witness: ☐ Justice of the Peace  
[Tick the appropriate box] ☐ Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1 [Tick the applicable box]

☐ I saw the face of the deponent.

or

☐ I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.

2 [Tick the applicable box]

☐ I have known the deponent for at least 12 months.

Or

☐ I have confirmed the deponent's identity using the following identification document:

Identification document relied on: [May be original or certified copy]

.....

Signature of witness: .....

## **Appendix 2: Privacy Notification Form - Section 10 (Pre – Collection)**

(Addressed to the person from whom information is about to be collected or has been collected.)

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- (INSERT NAME OF

(INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: ☐ Voluntary ☐ Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council

- ☐ maybe unable to process your application.
- ☐ will be unable to process your application.

Council is collecting this personal information from you in order to:

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it ***is not*** Council who holds or controls the information, please state below who does:

(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to:

Signature \_\_\_\_\_

Name to be printed \_\_\_\_\_

Date signed / /

### **Appendix 3: Privacy Notification Form - Section 10 (Post – Collection)**

*(Addressed to the person from whom information has been collected.)*

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and

- 

(INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: ☐ Voluntary ☐ Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council may:

Council has collected this personal information from you in order to:

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to:

Signature

Name to be printed

Date signed

/ /

**Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine whether Council holds personal information about a person.**

**Personal information held by the Council**

I, <sup>(1)</sup> \_\_\_\_\_

(1) insert full name

of <sup>(2)</sup> \_\_\_\_\_

(2) insert address

Hereby request the General Manager of <sup>(3)</sup> \_\_\_\_\_

(3) insert name of Council

provide the following:

☐ Does the Council hold personal information about me?

☐ Yes

☐ No

☐ If so, what is the nature of that information?

☐ What is the main purpose for holding the information?

☐ Am I entitled to access the information?

☐ Yes

☐ No

My address for response to this application is:

State: \_\_\_\_\_

Post Code: \_\_\_\_\_

**Note to applicants**

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

**Appendix 5: Application under section 14 of the Privacy And  
Personal Information Protection Act 1998: For access to Applicant's  
Personal Information**

**Personal information held by the Council**

I, <sup>(1)</sup> _____	(1) insert full name
of <sup>(2)</sup> _____	(2) insert address
Hereby request that the <sup>(3)</sup> _____	(3) insert name of Council
_____	

Provide me with:

- ☐ (a) access to all personal information held concerning myself; or
- ☐ (b) access to the following personal information only (**LIST INFORMATION REQUIRED BELOW**):

\_\_\_\_\_

\_\_\_\_\_

My address for response to this application is:

\_\_\_\_\_

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

**Note to applicants**

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

\_\_\_\_\_

## **Appendix 6: Application under section 15 of the Privacy and Personal Information Protection Act 1998: For alteration of Applicant's Personal Information**

### **Personal information held by the Council**

I, <sup>(1)</sup>	_____	(1) insert full name
of <sup>(2)</sup>	_____	(2) insert address
Hereby request that the <sup>(3)</sup>	_____	(3) insert name of Council

alter personal information regarding myself in the following manner:

- I propose the following changes: \_\_\_\_\_
- The reasons for the changes are as follows: \_\_\_\_\_
- The documentary bases for those changes is as shown on the attached documents

### **Note to Applicants :**

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to- date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: \_\_\_\_\_

## Appendix 7



# Privacy Complaint – Internal Review Application

Section 53, Privacy and Personal Information  
Protection Act 1998  
Section 21, Health Records and Information Privacy  
Act 2002

### OFFICE USE ONLY

Doc Set ID Number:

Date:

### LODGEMENT OF APPLICATION

**Council:** Monday-Friday, 8:00am-4:30pm  
**Auburn Service Centre** - 1 Susan Street, Auburn NSW 2144  
**Merrylands Service Centre** - 16 Memorial Avenue, Merrylands NSW 2160  
**Mail:** The General Manager, Cumberland Council, PO Box 42, Merrylands NSW 2160  
**Email:** [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)

### 1. Applicant details

Title:	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Other
Surname:	<input type="text"/>			First Name:	<input type="text"/>
Contact number(s):	<input type="text"/>				
Contact email:	<input type="text"/>				
Postal Address:	Unit no:	<input type="text"/>	House no:	<input type="text"/>	
	Street:	<input type="text"/>			
	Suburb:	<input type="text"/>	Postcode:	<input type="text"/>	

### 2. Personal Affected and Consent

Who is the person whose privacy is, or may have been, affected?

Signature of person affected for making of the application if that person is not the applicant

**Note:** If the person affected does not have capacity to consent to this application, please attach your authority to apply on their behalf – for example as a parent / guardian or pursuant to a power of attorney



**3. Nature of Alleged Privacy Breach**

Please tick which of the following you believe may have been contravened (you may tick more than one).

**Privacy and Personal Information Protection Act 1998**

<input type="checkbox"/> Section 8 – Collection of personal information for lawful purposes	<input type="checkbox"/> Section 12 - Retention and security of personal information	<input type="checkbox"/> Section 16 - Agency must check accuracy of personal information before use
<input type="checkbox"/> Section 9 – Collection of personal information directly from individual	<input type="checkbox"/> Section 13 - Information about personal information held by agencies	<input type="checkbox"/> Section 17 - Limits on use of personal information
<input type="checkbox"/> Section 10 - Requirements when collecting personal information	<input type="checkbox"/> Section 14 - Access to personal information held by agencies	<input type="checkbox"/> Section 18 - Limits on disclosure of personal information
<input type="checkbox"/> Section 11 - Other requirements relating to collection of personal information	<input type="checkbox"/> Section 15 - Alteration of personal information	<input type="checkbox"/> Section 19 - Special restrictions on disclosure of personal information

**Privacy Code of Practice for Local Government**

☐ What clause number/s do you say has/have been contravened?

\_\_\_\_\_

**Disclosure of Personal Information Kept in a Public Register**

☐ What information do you say was disclosed?

\_\_\_\_\_

**Health Records and Information Privacy Act 1998**

<input type="checkbox"/> Principle 1 – Purpose of collection of health information	<input type="checkbox"/> Principle 9 – Accuracy
<input type="checkbox"/> Principle 2 – Information must be relevant, not excessive, accurate and not intrusive	<input type="checkbox"/> Principle 10 - Limits on use of health information
<input type="checkbox"/> Principle 3 - Collection to be from individual concerned	<input type="checkbox"/> Principle 11 - Limits on disclosure of health information
<input type="checkbox"/> Principle 4 - Individual to be made aware of certain matters	<input type="checkbox"/> Principle 12 – Identifiers
<input type="checkbox"/> Principle 5 - Retention and security	<input type="checkbox"/> Principle 13 – Anonymity
<input type="checkbox"/> Principle 6 - Information about health information held by organisations	<input type="checkbox"/> Principle 14 – Transborder data flows and data flow to Commonwealth agencies
<input type="checkbox"/> Principle 7 - Access to health information	<input type="checkbox"/> Principle 15 – Linkage of health records
<input type="checkbox"/> Principle 8 – Amendment of health information	(Principle 16 – Repealed)

**4. Details of Conduct Complained of**

Complete on separate pages if additional space is required.

What is the specific conduct you are complaining about? Describe what you believe Cumberland Council did?

What date/s do you believe the conduct occurred? Please be as specific as you can.

How did you become aware of the conduct?

What was the date that you first became aware of the conduct?

If the date you first became aware of the conduct was more than 6 months ago, outline any circumstances why you say the Council should allow the review to proceed.

What effect do you say the conduct had on you or may have on you in the future? You may attach evidence of effects.

## 5. Remedy Sought

If the Council finds there was a contravention of privacy, it has a range of available remedies to it. Please tick which, if any, of the following you would like to see occur (you may select more than one).

<input type="checkbox"/>	No further action required to be taken	<input type="checkbox"/>	Provide an undertaking that the conduct will not occur again
<input type="checkbox"/>	Provide a formal apology to the person affected	<input type="checkbox"/>	Implement administrative measures to ensure that the conduct will not occur again
<input type="checkbox"/>	Payment of damages	<input type="checkbox"/>	Training for staff
<input type="checkbox"/>	Other (please specify)		

## 6. Privacy Note

An application under the Privacy and Personal Information Protection Act 1998 will be referred by Council to the Privacy Commissioner in accordance with section 54(1) of that Act. The Council will keep the Privacy Commission informed of the progress of the internal review and inform the Privacy Commissioner of the finding of the review and of the action proposed to be taken by the Council in relation to the matter.

The Council will undertake the privacy review and will inform you of the findings of the review, the reasons for those findings, the action proposed to be taken by the Council and the reasons for that action.

Council will collect and hold the personal information contained in this application for the purpose of processing the application. The intended recipients of the personal information are officers within Council. The supply of personal information by you is voluntary, however if you cannot provide, or do not wish to provide the information sought, Council may be unable to process your application.

You may make an application for access or amendments to your personal information held by Council under the *Privacy and Personal Information Protection Act 1998 (PIIP Act)* or the *Government Information (Public Access) Act 2009 (GIPA Act)*. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PIIP Act.

Information provided to Council in correspondence, submissions or requests, including your personal information, may be made publicly available, including on Council's website, under the GIPA Act. Please notify us if you object to the disclosure of your personal information.

## 7. Signature

Applicant Signature:

Date: