

Central Coast Council

Privacy Management Plan Policy



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1. Policy Objectives

- 1.1.** The objectives of this Policy are to:
- 1.1.1. Establish practices and procedures to protect the privacy rights of individuals with respect to all forms of personal information held by Central Coast Council (**Council**);
 - 1.1.2. Specify how Council handles the personal and health information it collects, stores, accesses, uses and disclosures in the course of its business activities; and
 - 1.1.3. Ensure Council complies with the principles and requirements of NSW privacy laws in accordance with:
 - a) [Privacy and Personal Information Protection Act 1998](#) (NSW) (**PPIP Act**);
 - b) [Health Records and Information Privacy Act 2002](#) (NSW) (**HRIP Act**);
 - c) [Government Information \(Public Access\) Act 2009](#) (NSW) (**GIPA**); and
 - d) [Privacy Code of Practice for Local Government](#) (**Privacy Code**).
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2. Policy Scope

- 2.1.** This Policy (as well as the provisions of the PPIP and HRIP Acts) covers personnel employed by Council; any person or organisation contracted to or acting on behalf of Council; and any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- 2.2.** This policy covers all personal or health information as defined under the PPIP and HRIP Acts.
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3. Policy Statement

- 3.1.** Council is committed to the principles of both the PPIP Act and the HRIP Act.
- 3.2.** Section 33 of the PPIP Act requires Council to have a Privacy Management Plan setting out how Council complies with the requirements of the Act. The Plan must include:
- 3.2.1. Information on how Council develops policies and practices in line with the State's information and Privacy Acts (including the PPIP and HRIP Acts);
 - 3.2.2. How Council disseminates these policies, protocols and practices within the organisation and educates staff with their use;
 - 3.2.3. Information on the procedures Council proposes to provide for internal review of privacy complaints;

- 3.2.4. Information on the procedures and practices used by Council to ensure compliance with the mandatory notification of data breaches as required by the PPIP Act; and
 - 3.2.5. Any other matters Council considers relevant in relation to privacy and the protection of any personal information it holds.
- 3.3.** This Policy addresses particular matters that affect personal information collected and held by Council and provides Council staff with guidance on the requirements of both Acts and sets out practices and procedures which have been adopted to minimise the risk of inappropriately releasing personal information and non-compliance whilst still enabling Council to undertake its functions.
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4. Personal and Health Information

What is personal information?

- 4.1.** Personal information is defined under section 4 of the PPIP Act as:
- 4.1.1. Information or an opinion;
 - 4.1.2. About an individual; and
 - 4.1.3. Where that person's identity is apparent or can be reasonably ascertained from the information or opinion.
- 4.2.** Personal information can include information that forms part of a database and does not have to be recorded in a hard copy document or format.

What is not personal information?

- 4.3.** Personal information does not include:
- 4.3.1. Information about an individual who has been dead for more than 30 years;
 - 4.3.2. Information or an opinion about an individual's suitability for appointment or employment as a public sector official; and
 - 4.3.3. Information about an individual that is contained in a publicly available publication, such as:
 - a) An advertisement containing personal information in a local, city, national newspaper, or Council business papers, including on the internet; and
 - b) Books or magazines that are printed and broadly distributed to the general public.
- 4.4.** Personal information published in this way ceases to be covered by the PPIP Act. However, Council's decision to publish in this way must be in accordance with the PPIP Act.

What is health information?

- 4.5.** Health information is a specific type of personal information as defined under section 6 of the HRIP Act as personal information that is information or an opinion about:
- 4.5.1. The physical or mental health or disability (at any time) of an individual;
 - 4.5.2. An individual's express wishes about the future provisions of health services to him or her; or
 - 4.5.3. A health service provided, or to be provided, to an individual.
- 4.6.** Health information includes but is not limited to:
- 4.6.1. psychological reports;
 - 4.6.2. blood tests;
 - 4.6.3. an x-ray;
 - 4.6.4. death certificate;
 - 4.6.5. results from drug or alcohol tests; and
 - 4.6.6. information about an individual's medical appointments.
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5. Information Privacy Principles and Health Privacy Principles

Privacy Principles

- 5.1.** The Information Privacy Principles (**IPPs**) are 12 legal obligations contained in the PPIP Act that Council must comply with when handling personal information.
- 5.2.** The Health Privacy Principles (**HPPs**) are 15 legal obligations contained in the HRIP Act that Council must comply with when handling health information.
- 5.3.** Privacy complaints or requests for reviews must relate to a breach of one or more of the IPPs or HPPs.
- 5.4.** The IPPs and HPPs have exemptions that an individual should make themselves aware of prior to making a privacy complaint to Council or requesting a review.

Collection

- 5.5.** When collecting personal information, Council must ensure that:
- 5.5.1. the information is collected for a lawful purpose (IPP 1, HPP 1),
 - 5.5.2. it is collected directly from the individual (IPP 2, HPP 3),
 - 5.5.3. the individual is informed that their information is being collected and why (IPP 3, HPP 4); and
 - 5.5.4. the information collected is relevant and accurate (IPP 4, HPP 2).

Storage

- 5.6.** When storing personal information, Council must ensure that it is:
- 5.6.1. kept securely;

- 5.6.2. kept no longer than necessary;
- 5.6.3. disposed of appropriately; and
- 5.6.4. taking reasonable steps to protect the information from loss, unauthorised access, use, modification or disclosure (IPP 5, HPP 5).

Access and Accuracy

5.7. Council must:

- 5.7.1. advise an individual of their rights to access their personal information, what information it is storing and why (IPP 6, HPP 6).
- 5.7.2. provide an individual with access to their personal information (Council may charge reasonable fees for this) (IPP 7, HPP 7).
- 5.7.3. allow an individual to correct or amend incorrect personal information (IPP 8, HPP 8).

Use

5.8. Council will ensure personal information is accurate before using it (IPP 9, HPP 9).

5.9. Council should only use personal information for the purpose advised under IPP 3 (IPP 10, HPP 10) unless:

- 5.9.1. The individual consents;
- 5.9.2. The purpose is directly related to the advised purpose and a reasonable person would expect their personal information to be used in such a manner; or
- 5.9.3. To prevent or lessen a serious imminent threat to any person's health or safety.

5.10. HPP 10 has further exemptions for the use of health information that are unlikely to be relevant to Council's activities; however, an individual should review these prior to making a privacy complaint or requesting a review.

5.11. Under the Privacy Code of Practice for Local Government, Council may use personal information for a purpose other than the purpose for which it was collected in the following circumstances:

- 5.11.1. If the use is for the purpose of undertaking Council's lawful and proper functions and Council is satisfied that the personal information is reasonably necessary for the exercise of such functions; or
- 5.11.2. 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.

Disclosure

5.12. Council should only disclose personal information with the consent of the individual (IPP 11, HPP 11) unless:

- 5.12.1. The individual was notified under IPP 3 when the information was collected that it would be so disclosed; or
 - 5.12.2. The purpose is directly related to the advised purpose and there is no reason to believe the individual would object to the disclosure; or
 - 5.12.3. The individual was notified under IPP 3, when the information was collected, that information of that kind is usually disclosed; or
 - 5.12.4. To prevent or lessen a serious or imminent threat to any person's health or safety.
- 5.13.** HPP 11 has further exemptions for the disclosure of health information such as compassionate grounds or to find a missing person and an individual should review these before making a privacy complaint or requesting a review.
- 5.14.** Council cannot disclose information about an individual's ethnic origin, race, sexual activities, trade union membership, political opinions and religious or philosophical beliefs unless the individual consents or to deal with an imminent and serious threat to any person's health or safety.

Anonymity

- 5.15.** When providing health services, unique identifiers should only be used if it is reasonably necessary to carry out functions efficiently (HPP 12).
- 5.16.** Individuals should be given the option of receiving services anonymously where it is lawful and practicable to do so (HPP 13).

Sharing and Linking Health Data and Information

- 5.17.** Council must only share health information outside the jurisdiction of New South Wales in accordance with HPP 14.
- 5.18.** Council must not include health information in a health records linkage system unless the individual has provided or expressed their consent (HPP 15).

6. Council's Responsibilities

- 6.1.** Council has responsibilities under the *Local Government Act 1993* (NSW) (**LG Act**) and other Commonwealth and State legislation, including but not limited to the:
- 6.1.1. *Companion Animals Act 1998*
 - 6.1.2. *Environmental Planning and Assessment Act 1979*
 - 6.1.3. *Government Information (Public Access) Act 2009*
 - 6.1.4. *Public Health Act 2010*
 - 6.1.5. *Roads Act 1993*
 - 6.1.6. *State Records Act 1998*
- 6.2.** Councils exist to:

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

6.3. Under the LG Act, Council's functions can be grouped into the following categories:

- 6.3.1. To provide for development in the local area;
- 6.3.2. To provide for local services and facilities that benefit ratepayers, residents and visitors;
- 6.3.3. To provide for the welfare and wellbeing of the local community;
- 6.3.4. To establish and support organisations and programs targeting the local community;
- 6.3.5. To represent and promote the interests of ratepayers and residents;
- 6.3.6. To protect the environment and improve local amenity;
- 6.3.7. To attract and provide infrastructure for commerce, tourism and industry; and
- 6.3.8. To engage in long-term strategic planning on behalf of the local community.

Policy and procedure development

6.4. Council is required to set out in this Policy how policies and practices are developed to ensure compliance with the requirements of privacy legislation.

6.5. This Policy sets out a number of specific elements of Council's privacy protection framework.

6.6. Policies and practices are developed in accordance with Council's adopted Policy Framework and by:

- 6.6.1. Examining changes in the legislative, policy or operational environment for their impacts on Council's privacy management;
- 6.6.2. Conducting regular reviews of privacy policies; and
- 6.6.3. Considering the privacy implications of changes to policies and systems for any procedural changes needed.

6.7. When developing new privacy management policies or procedures or amending them in a way that would change how personal and health information is managed, Council consults with all appropriate parties to ensure compliance with the PPIP Act and HRIP Act.

7. Promoting this Plan

- 7.1. Council promotes the principles of this Policy through its Executive Leadership Team (**ELT**), staff and public awareness.
- 7.2. Council's ELT is committed to transparency and accountability in respect of Council's compliance with the PPIP Act and the HRIP Act.
- 7.3. ELT reinforces transparency and compliance with these Acts by:
 - 7.3.1. Endorsing the Policy and making it publicly available on Council's website;
 - 7.3.2. Identifying privacy issues when implementing new systems; and
 - 7.3.3. Promoting and facilitating staff awareness of sound privacy management practices through training and education, including resources published on Council's intranet.
- 7.4. Council ensures its staff are aware of and understand this Policy, particularly how it applies to the work that they do. Council has developed and written this Policy in a practical way to ensure that staff members can understand what their privacy obligations are, how to manage personal and health information in their work and what to do if they are unsure.
- 7.5. Council makes its staff, including volunteers and contractors, aware of their privacy obligations by:
 - 7.5.1. Publishing this Policy in a prominent place on Council's intranet and website;
 - 7.5.2. Including this Policy as part of its induction training for new staff members and providing training as required;
 - 7.5.3. Providing refresher, specialised and on-the-job privacy training; and
 - 7.5.4. Highlighting and promoting the Policy at least once a year (e.g. during Privacy Awareness Week).
- 7.6. When staff members have questions about how to manage personal and health information under this Policy, they may consult their manager, Council's Governance Team or Council's Privacy Contact Officer.
- 7.7. Councillors need to contact the Chief Executive Officer or Privacy Contact Officer for assistance.

Public awareness

- 7.8. This Policy is a guarantee of service to stakeholders on how Council manages personal and health information.
- 7.9. The Policy is publicly available as open access information under the GIPA Act.
- 7.10. Council promotes public awareness of this Policy by:
 - 7.10.1. Writing the Policy in plain English;
 - 7.10.2. Publishing it on Council's website;

- 7.10.3. Providing hard copies of the Policy free of charge upon request;
 - 7.10.4. Referring to the Policy in other policies, protocols and processes; and
 - 7.10.5. Informing the community and stakeholders about this Policy when answering questions about how Council manages personal and health information.
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8. Access and Accuracy of Personal Information

Amending and accessing personal information

- 8.1.** Council ensures that people can access the personal or health information Council holds about them. Council does not require individuals to complete a specific form to request confirmation of Council holding their personal information. Individuals can write to Council (via email or letter) enquiring about the nature of the information, the main purpose for which Council collected that information and their right of access.
- 8.2.** Individuals also have the right to amend their own personal and/or health information that Council holds, e.g., updating their contact details. There are two ways in which an individual can amend their personal information:
 - 8.2.1. By completing the relevant form on Council's website to amend their customer details such as preferred name, email address or phone number or other, more specific personal or health information such as medical history or speciality reports; or
 - 8.2.2. By contacting Council's Privacy Contact Officer.
- 8.3.** Council is required to provide an individual with access to the personal and/or health information it holds and allow that individual to amend this information without excessive delay or expense.
- 8.4.** There is no fee to access or amend personal and/or health information.
- 8.5.** Council will provide individuals with access to documents containing their personal information provided the individual can confirm their identity by answering a series of questions that identifies and ascertains their identity and/or producing one or more of the following pieces of identification:
 - 8.5.1. Valid driver's licence;
 - 8.5.2. Passport;
 - 8.5.3. Birth certificate or birth extract;
 - 8.5.4. Valid pension card or health care card issued by Centrelink;
 - 8.5.5. Valid Medicare card;
 - 8.5.6. Valid student photo identification card (issued by an Australian tertiary education institution);
 - 8.5.7. Recent bank statement; or
 - 8.5.8. Recent rates notice.

Amending customer details

- 8.6.** To amend details such names, address, contact details, ownership details, or gender, please complete the relevant form on Council's website and send to either:

Email: ask@centralcoast.nsw.gov.au, or

Mail: 2 Hely Street, Wyong NSW 2259

- 8.7.** Council treats such requests with priority and will aim to action them within **5 working days of having received them.**

Amending specific personal or health information

- 8.8.** To amend specific personal and/or health information such as employment details, records displaying religious practices, etc., please complete the relevant form on Council's website and send to either:

Email: ask@centralcoast.nsw.gov.au, or

Mail: 2 Hely Street, Wyong NSW 2259

- 8.9.** Council treats such requests with priority and will aim to action them within **5 working days of having received them.**

Accessing personal information

- 8.10.** If an individual wishes to access any information or records that Council holds containing their personal or health information, please complete the relevant form on Council's website and send by either:

Email: ask@centralcoast.nsw.gov.au, or

Mail: 2 Hely Street, Wyong NSW 2259

- 8.11.** For the application to be valid, the application should:

8.11.1. Include their name and contact details, including their postal address, telephone number and email address;

8.11.2. Indicate whether they are making the application under the PPIP Act (to access personal information) or HRIP Act (to access health information); and

8.11.3. Explain what personal or health information they want to access or amend and how they wish to access and amend it.

- 8.12.** Council will acknowledge the application and advise if it is valid or not within **5 working days** of receiving the application. Where applications are invalid, Council will provide assistance in how these can become valid.

- 8.13.** Council typically responds in writing to applications for accessing personal information within **20 working days**. Council will contact the applicant if the request is likely to take longer than expected.

- 8.14.** If the applicant believes Council is taking an unreasonable amount of time to respond to their application for personal information, they are encouraged to contact Council for an update on the progress of your application.

- 8.15.** If Council decides not to provide access to or amend personal or health information, the reason will be clearly explained to the applicant in writing or over the telephone.
- 8.16.** The applicant also has the right to make a formal application to access information under the GIPA Act. For more information, please refer to the [Access to Information page](#) on Council's website.

Accessing or amending other people's information

- 8.17.** The PPIP Act and the HRIP Act gives people the right to access their own information; these Acts generally do not give people the right to access someone else's information.
- 8.18.** However, section 26 of the PPIP Act allows a person to give consent to Council to disclose his or her personal information to someone else that would not normally have access to it.
- 8.19.** Further, under sections 7 and 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else. The HPPs also contain information regarding other reasons that 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, in order to help find a missing person or for compassionate reasons.
- 8.20.** If none of the above scenarios are relevant, a third party can consider making an application for access to government information under the GIPA Act.

9. Complaints and Review Rights

Right to an internal review

- 9.1.** If an individual believes their personal or health information has been collected, stored, accessed or disclosed other than in accordance with this Policy and Council's obligations under the PPIP Act or HRIP Act, they may request a review of Council's conduct.
- 9.2.** An individual cannot seek an internal review for a breach of another individual's privacy unless they are the authorised representative of the other individual.

Internal review process

- 9.3.** Applications for an internal review must:
- 9.3.1. Be made in writing and addressed to:
- The Privacy Contact Officer
Central Coast Council
PO Box 20
Wyong NSW 2259
- 9.3.2. Provide details as to how the individual believes their personal or health information was not dealt with in accordance with this Plan or Council's obligations under the PPIP Act or HRIP Act.

- 9.3.3. Be lodged within **six months** of when the individual first became aware of the breach (depending on the circumstances, Council may consider a late application for internal review).
- 9.4.** Council aims to acknowledge receipt of an internal review request within **5 working days** and complete an internal review within **60 calendar days**. The Privacy Contact Officer will inform the applicant of the progress of the internal review and if it is likely to take longer than expected. In accordance with section 53(8) of the PPIP Act, the Privacy Contact Officer will respond in writing within **14 calendar days** of determining the outcome of the internal review.
- 9.5.** The Privacy Contact Officer reserves the discretion to conduct the internal review or delegate this function to someone else unless the internal review is about the conduct of the Privacy Contact Officer. In that case, the Chief Executive Officer will appoint someone else within Council (who is suitably qualified to deal with the matters raised) to conduct the review.
- 9.6.** In accordance with section 54 of the PPIP Act, Council must:
- 9.6.1. Notify the Privacy Commissioner of the internal review application as soon as practicable after it is received;
- 9.6.2. Keep the Privacy Commissioner informed of the progress of the internal review; and
- 9.6.3. Inform the Privacy Commissioner of the findings of the review and of the action proposed to be taken by Council in relation to the matter.
- 9.7.** The Privacy Commissioner is entitled to make submissions to Council in relation to the subject matter of the application.
- 9.8.** If an individual is not satisfied with the outcome of the internal review or is not notified of an outcome within **60 calendar days**, they have the right to seek an external review.

External review process

- 9.9.** An individual has **28 calendar days** from the date of the internal review decision to seek an external review by the NSW Civil and Administrative Tribunal (**NCAT**).
- 9.10.** To request an external review, the individual must apply directly to the NCAT. NCAT has the power to make binding decisions on an external review. To contact the NCAT:

Website: <https://www.ncat.nsw.gov.au>
Phone: 1300 006 228
Visit/Post: Level 9, John Maddison Tower
86-90 Goulburn Street
Sydney NSW 2000

Other ways to resolve privacy concerns

- 9.11.** Council welcomes the opportunity to discuss any privacy issues or concerns you may have. Individuals are encouraged to try and resolve privacy issues with Council before lodging an internal review.

- 9.12.** Depending on the nature of the concern, the individual may be advised to lodge an internal request for review of Council's conduct.
- 9.13.** An individual can raise concerns with Council by:
- 9.13.1. Contacting Council's Privacy Contact Officer;
 - 9.13.2. Making a complaint directly to the Privacy Commissioner; or
 - 9.13.3. Using Council's complaint handling process.
- 9.14.** The Privacy Commissioner can be contacted by:
- Website:** www.ipc.nsw.gov.au
- Phone:** 1800 472 679
- Visit/Post:** Level 15 McKell Building, 2-24 Rawson Place Haymarket NSW 2000
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10. Offences

- 10.1.** Both the PPIP Act and the HRIP Act (as well as other State Acts) contain offence provisions applicable to staff, agents and contractors who use or disclose personal or health information without consent or authority.
- 10.2.** Under the PPIP Act, it is an offence for a public official to:
- 10.2.1. Intentionally disclose or use any personal information accessed as part of their work for an unauthorised purpose;
 - 10.2.2. Offer to supply personal information that has been disclosed unlawfully; or
 - 10.2.3. Hinder the Privacy Commissioner or a member of the staff of the Privacy Commissioner from doing their job.
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11. Collection of personal information

Personal and health information provided to Council

- 11.1.** Individuals may provide Council with personal and health information when they make an application for employment, make enquiries with Council and when Council delivers services to them. Examples of information that may be provided includes names, contact details, opinions, housing or tenancy information, work and education details or health conditions. Individuals may also provide Council with personal information about other people.
- 11.2.** If an individual makes an enquiry with or writes to Council, a full copy of whatever is sent is saved by Council in its electronic document and records management system (**EDRMS**) or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Council may decide not to record all the personal information if it is irrelevant to the enquiry. For example, a Council staff member might make a general note, such as '*concerned about employer disclosing details of an illness*' without recording details about the illness.

- 11.3.** The provision of personal or health information to Council is generally voluntary though it can be required by law in some circumstances. Council can also collect unsolicited personal information where it has been voluntarily provided by the individual, or from another source where Council is lawfully authorised or required to do so, or where it is permitted under an Act or any other law.
- 11.4.** Council is not required to deal with individuals who wish to remain anonymous beyond the provision of health services and then only in a manner that is lawful and practicable (HPP 13). However, Council recognises that some individuals may wish to remain anonymous. Council will provide clear information regarding the consequences of remaining anonymous. For example, anonymous complaints concerning barking dogs are not investigated and it will be up to the person who contacted Council to decide whether they want to continue with the complaint or not.
- 11.5.** Council's telephones will display the number of the person who has called, except for private and/or silent numbers. Telephone numbers that are displayed are stored and can be extracted from Council's phone system for reporting purposes. All incoming and outgoing phone calls with Council's Customer Contact Centre (02 4306 7900) are recorded and saved; however, the customer does have the option to opt out or decline to be recorded. If any credit card information is disclosed during a call, that part of the call is not recorded.
- 11.6.** Council operates an online Customer Service Portal that allows members of the public to report issues or concerns, ask questions or leave feedback. Users are required to provide their name, address, phone number and/or email address when submitting a query. Anonymous enquiries made through the Portal are unable to be tracked by the user and they will not receive updates on their request.
- 11.7.** If someone has an enquiry that cannot be answered straight away by a staff member, that staff member may offer to take the customer's name and contact number so someone else in the office can contact the customer and respond to their request.
- 11.8.** Contractors acting on behalf of Council are required to comply with all relevant and/or appropriate privacy obligations as set out in this Policy and in the PPIP Act.

How Council collects information

- 11.9.** Council performs a range of functions and some of those functions assist with the carrying out of certain services (see Chapters 5-8, 11-13 and 15-17 of the LG Act). The LG Act also outlines functions that may be imposed pieces of legislation or directives.
- 11.10.** Functions requiring or involving the collection of personal or health information include but are not be limited to:
- 11.10.1. Levying and collecting rates;
 - 11.10.2. Providing services (e.g. libraries and waste collection);

- 11.10.3. Consultation with the community, visitors, businesses and other stakeholders;
- 11.10.4. Assessing development and other major project applications;
- 11.10.5. Recording, investigating and managing complaints and allegations;
- 11.10.6. Site inspections and audits;
- 11.10.7. Incident management;
- 11.10.8. Enforcing regulations and legislation;
- 11.10.9. Issuing approvals, consents, licences and permits;
- 11.10.10. Providing funding grants;
- 11.10.11. Maintaining the non-residential register of electoral information;
- 11.10.12. Employment; and
- 11.10.13. Fitness for work.

11.11. Council may collect personal or health information in any of the following ways:

- 11.11.1. Customer requests;
- 11.11.2. Incident reports;
- 11.11.3. Photographs;
- 11.11.4. Written correspondence (including emails);
- 11.11.5. File notes;
- 11.11.6. Medical assessment reports;
- 11.11.7. Submissions;
- 11.11.8. Application forms;
- 11.11.9. CCTV footage and call recordings;
- 11.11.10. Public registers;
- 11.11.11. Booking platforms;
- 11.11.12. Financial transaction records;
- 11.11.13. Contracts, legal agreements, deeds, undertakings and other documents alike;
- 11.11.14. Telephone enquiries;
- 11.11.15. Counter enquiries; and
- 11.11.16. Online services.

11.12. Information cannot be collected by "unlawful means". For example, information cannot be collected through recording a conversation without a person's consent as this would breach laws relating to listening devices in NSW.

- 11.13.** Where it is unreasonable or impracticable for personal or health information to be collected directly from an individual, Council Officials can collect the information from someone other than the individual.
- 11.14.** When Council collects personal information from an individual (e.g. their name, address, telephone number or email address), in accordance with the Privacy Principles, Council must make them aware of:
- 11.14.1. The purposes for which the information is being collected;
 - 11.14.2. The intended recipients of the information;
 - 11.14.3. Whether the supply of the information by the individual is required by law or is voluntary;
 - 11.14.4. Any consequences for the individual if the information (or any part of it) is not provided;
 - 11.14.5. Any right to access or correct the information; and
 - 11.14.6. The name and address of the Council business unit that is collecting the information and will hold the information.
- 11.15.** To ensure compliance with the PPIP Act, Council has included a Privacy Protection Notice to be included on all forms, letters and documents that collect personal information from individuals, informing them of the information outlined above. Council's website also contains a Privacy Statement that is available at the bottom of every page that outlines the information above.

Council staff and recruitment

- 11.16.** Council collects personal and health information from its staff members (including volunteers, work experience personnel and work placement students) as part of the recruitment process. Council will never ask for more personal information than is required for that purpose.
- 11.17.** During the recruitment process and throughout an individual's employment with Council, information (including personal and/or health information) is collected for various reasons including leave management, workplace health and safety and to help Council operate with transparency and integrity.
- 11.18.** In the exercise of its functions, Council collects and manages personal information about its staff including (but not limited to):
- 11.18.1. Medical conditions and illnesses;
 - 11.18.2. Next of kin and contact details;
 - 11.18.3. Education;
 - 11.18.4. Performance and development information;
 - 11.18.5. Family and care arrangements;
 - 11.18.6. Secondary employment;
 - 11.18.7. Conflicts of interest;

- 11.18.8. Financial information for payroll purposes;
 - 11.18.9. Employment history;
 - 11.18.10. Photographs or audio or video recordings (i.e., staff photographs for identification cards); and
 - 11.18.11. Biometric data.
- 11.19.** Information collected by Council is retained (to the extent necessary) and managed securely.
- 11.20.** Candidates that are applying for jobs at Council send personal information, including their name, contact details, qualifications and work history. Council gives this information to the convenor of the interview panel for that position (as stated in the job description) in electronic or hard copy files.
- 11.21.** The convenor of the panel does not use this personal information except for the purposes of the recruitment process. This may include sharing the information within Council's People and Culture Team, relevant direct reports and members of the interview panel. Interview panels may include people not employed by Council. Conveners of the interview panel store this information securely.
- 11.22.** After recruitment is finalised, convenors give all personal information to the People and Culture Team and they retain information relating to successful applicants and eligibility lists in accordance with Local Government retention requirements and the *State Records Act 1998* (NSW).
- 11.23.** Successful candidates are invited to fill out various forms to commence employment/engagement with Council. These forms require further personal and health information, such as the candidate's bank account details, tax file number, superannuation, emergency contacts and any disabilities that may impact their work.
- 11.24.** These forms also encourage candidates to provide sensitive personal information, such as racial or cultural information to collect data about the wider NSW public sector; however, disclosure of this information is voluntary.
- 11.25.** These forms are sent to the People and Culture Team to be used for employment/engagement purposes, e.g., payroll and setting up personnel files and keeping copies of this information in secure storage areas.

Visitors and members of the public

- 11.26.** When a member of the public visits Council's Administration Building or other Council facilities (such as Council's Works Depot), their attendance is registered to record the names of people who enter the office beyond the public area. This includes their name, company details (if applicable), contact details and signature. It is the responsibility of the relevant business unit hosting that visitor to ensure this information is collected. Council collects this information for workplace health and safety purposes and is stored in accordance with Council procedures.

- 11.27.** If requested, visitors are provided with a day pass. Only the visitors name and home telephone number are kept as part of this process.

Enquiries to Council

- 11.28.** Council handles enquiries from customers, residents and stakeholders about the functions that it performs. These enquiries are made by people and organisations and in the following formats:

- 11.28.1. Over the phone (call enter, direct call and voicemail services);
11.28.2. In writing (email, online forms and e-services); and
11.28.3. In person (at Council's Administration Building, other Council facilities and at events including community engagement).

- 11.29.** Council decides what level of information is appropriate to be collected for each enquiry on a case-by-case basis, with the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given but should not contain unnecessary personal or health information.

Feedback, determinations, assessments, policies and reports

- 11.30.** Individuals may give feedback to Council on the functions it performs and certain directives it administers. Although not requested, they may decide to disclose their personal information such as contact details, personal opinions, stories, experiences and backgrounds. An individual may also disclose personal information about other people. Council may also ask for further personal information (but only to clarify the issue being raised).

- 11.31.** Council stores this information on its computer network, in an electronic document and records management system and/or hard copy files. Generally, Council does not disclose personal information obtained through feedback (except by consent or as outlined by law).

- 11.32.** Council also publishes policies and documents to seek feedback on aspects concerning the functions it performs, such as infrastructure and development matters, corporate and community issues and planning and environment matters. Council does not ask for more information than what is helpful to its functions. Council may promote its consultation through various organisations, non-for-profit organisations, other agencies, the media, Council's website and social media channels; however, participation in these consultations is voluntary.

- 11.33.** Council also provides guidance and advice to the public, other agencies and organisations by providing feedback or publishing documents to achieve such outcomes. Council seeks consent from individuals if any of their personal information is contained in such documents prior to sending or publication. If an individual does not consent to their personal information being published, Council may publish the documents with the individual's personal information deidentified or redacted.

- 11.34.** When writing reports and making findings or submissions publicly available (such as Council meeting agendas and minutes), Council does not identify people unless it relates to the purpose for which the information was collected or Council has already sought the consent of the relevant individuals or notified them in advance of how Council would disclose the information provided as outlined in clause 11.14.

Reviews, assessments, complaints and investigations

- 11.35.** Council performs a number of activities concerning compliance and enforcement management, including (but not limited to):

- 11.35.1. Processing requests from people seeking a review or making a complaint to Council concerning the functions it performs, e.g.: Council's *Complaints and Feedback Management Policy*, *Code of Conduct*, *Public Interest Disclosure Policy* and in accordance with any other compliance and enforcement legislation, practices and policies;
- 11.35.2. Notification of reviews, complaints or investigations from other public agencies conducting them;
- 11.35.3. People sending their review applications or requests to pass along to other public agencies, organisations or individuals;
- 11.35.4. People giving Council personal and/or health information about other people;
- 11.35.5. Responding to Council requests for people to send further personal and/or information relating to a review, complaint or investigation;
- 11.35.6. Making file notes containing personal and/or health information;
- 11.35.7. Accessing information under the GIPA Act from public sector agencies and other organisations as it relates to Council's functions;
- 11.35.8. Council entering the premises of public sector agencies, other organisations and individuals and accessing their information; and
- 11.35.9. Handling information received and collected by Council for legal proceedings, either at the proceedings or from submissions received by the parties.

Subscriber, mailing and contact lists

- 11.36.** Council facilitates subscriber, mailing and contact lists that contain personal information from people who have asked to be included on these lists.
- 11.37.** Depending on the nature of the communication and stakeholder engagement, Council may use a third-party organisation (service provider) to collect, store and handle the information collected. In such instances, people are notified of this and are led to the service provider's privacy policy and practices for their consideration. Council does not accept responsibility for the privacy policies or practices of third parties/service providers linked to/from Council's website.

- 11.38.** The information generally collected includes names, email addresses and in some cases, agency type. Council relies on people to provide accurate personal information and Council staff take care to document this information correctly into Council's corporate systems.
- 11.39.** Examples of lists that collect and hold personal information may include:
- 11.39.1. Newsletter subscriber list – to email Council's e-news to those who have requested a subscription.
 - 11.39.2. Community stakeholders list – to contact non-government organisations and other members of the community about Council's operations and services, such as economic development, community engagement, booking or cancelling events, refunding tickets, library memberships and activities; etc.
- 11.40.** All lists are kept separate from each other and each is solely used for the purpose intended. Council does not disclose individual email addresses when sending out bulk emails.
- 11.41.** Anyone can subscribe and unsubscribe from the newsletter lists or can contact Council to change their details. Council does not destroy these lists; they are kept as long as they remain current. Individual entries are deleted upon request or if an error is received in response to a Council communication.

Community outreach

- 11.42.** Council occasionally holds community events or participates in events held by other agencies or organisations. During these events, Council may collect general information such as the number of visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as gender.
- 11.43.** Depending on the event, Council may intentionally or unintentionally collect health information or sensitive personal information about someone. For example, if Council participates in a session designed for people with disabilities or a particular cultural or racial background, it could be deduced that someone has or is likely to have a disability or has a particular cultural or racial background.
- 11.44.** Council sometimes seeks voluntary completion of surveys to help it identify current issues. These surveys may collect different types of demographic data. Council ensures that any proposed survey or other kind of collection complies with the PPIP and HRIP Acts.
- 11.45.** Council may also seek feedback from customers accessing Council's operations and services on their experience.

Website publishing, photography, filming and media

- 11.46.** Council owns and maintains its main website at www.centralcoast.nsw.gov.au as well as several additional websites including:

| Name of website | Functions it performs | Types of personal and health information kept |
|--|---|--|
| yourvoiceourcoast.com.au | Provides information on community engagement projects and facilitates online engagement | Name, email address, and information concerning community feedback |
| lovewater.centralcoast.nsw.gov.au | Provides information and resources about water for community and school education | Contact details via online enquiry form or signing up to e-newsletter |
| loveourwaterways.centralcoast.nsw.gov.au | Provides information and resources about Central Coast waterways for community and school education | Contact details via online enquiry form or signing up to e-newsletter |
| lovecentralcoast.com | Provides visitor-related and tourism information about the Central Coast | Names and addresses of business, contact details via online enquiry form or signing up to e-newsletter |
| emergency.centralcoast.nsw.gov.au | Provides information about emergency situations including links to third party websites | None |
| protectionoftheenvironmenttrust.org.au | Provides information about the trust activities and access to donate and apply for grants | No data collected; links to payment gateway to donate and grant application form |
| gosfordregionalgallery.com | Provides information about the Gosford Regional Gallery and access to buy tickets | Contact details via online enquiry form, signing up to e-newsletter and purchasing tickets |

- 11.47.** These websites are used to promote Council's operations and services, the functions it performs and publish resources and information to help our customers and stakeholders understand the same.
- 11.48.** All these websites facilitate access to this Policy and they do not publish personal or health information without permission.
- 11.49.** Website data is stored on secure servers.
- 11.50.** Council may take photos of or film events that it holds or participates in and use the images for promotional purposes. Council will seek permission from people before taking photos or filming events and advise how Council will manage the images and what they will be used for. Those who agree will be asked to sign a consent form. Council respects the wishes of those who do not wish to be photographed or filmed.
- 11.51.** Council stores photos and footage electronically on its secure computer network, as well as Google Cloud.

Unsolicited information

- 11.52.** Where Council receives unsolicited personal or health information, the information will be treated in accordance with this Plan and the applicable IPP and/or HPP in relation to the storage, access, use and disclosure of that information.
- 11.53.** The IPP and HPP related to the collection of information do not apply to unsolicited information.

12. Use of personal information

- 12.1.** Council uses the information it collects to:
- 12.1.1. Perform its functions, conduct its operations and provide services to the community;
 - 12.1.2. Determine the nature of complaints, feedback, submissions, enquiries and other communications and refer them to relevant Council Officials or other authorities;
 - 12.1.3. Resolve complaints or respond to other forms of communication;
 - 12.1.4. Communicate with individuals;
 - 12.1.5. Conduct or undertake reviews, assessments, investigations or process complaints and refer these to the relevant authorities if required;
 - 12.1.6. Request advice, when required, from oversight bodies and third-party service providers such as Council's external legal representatives or consultants;
 - 12.1.7. Advise Council Officials and stakeholders on recurring trends and issues; and

- 12.1.8. Educate our stakeholders and the community about particular issues through published documents and reports.
- 12.2.** Council Officials must take reasonable efforts to ensure personal information is accurate before using it..
- 12.3.** Personal information of Council staff is used by management, or relevant reporting lines, specific to the staff member. The information may also be forwarded and disclosed to the People and Culture team or other people management service providers supporting Council. Unless otherwise stated, the personal information collected by Council about its staff is used only for workforce management.
-

13. Disclosure of personal information

- 13.1.** Council must disclose personal and health information in accordance with the PPIP Act, the HRIP Act and the Privacy Code.

Enquiries

- 13.2.** Personal information is used by Council only when dealing with enquiries related to that individual. If Council receives more enquiries, a complaint or review request from that individual, it may look at past enquiries to get background information.
- 13.3.** Council does not disclose information about a particular enquiry to anyone outside of Council without the consent of the enquirer.

Complaints, reviews, assessments and investigations

- 13.4.** Council may discuss personal information with the relevant agency, organisation or individuals when processing a complaint, or conducting a review, assessment or investigation. To undertake its functions, Council may disclose the name of review applicants but only to an agency legally involved in such affairs and for which Council can do so under the PPIP and HRIP Acts.
- 13.5.** Council includes relevant personal information in the reports it writes as a result of processing a complaint or conducting a review, assessment or investigation. If Council decides to share these reports, Council will generally send these reports to the parties associated with the matter or oversight bodies (provided there are no overriding presumptions against such disclosure).
- 13.6.** When Council is involved in proceedings, it may disclose personal information relevant to that particular case. It may also refer issues to other oversight bodies.
- 13.7.** Apart from the above, Council does not disclose personal information to anyone not directly involved in a complaint, investigation or review case unless authorised or required to do so by law.
- 13.8.** Council is particularly careful when dealing with sensitive personal information, namely information relating to an individual's ethnic or racial origin, political

opinions, religious or philosophical beliefs, trade union membership, sexual activities, or health information.

Referrals to other oversight bodies

- 13.9.** In accordance with a number of Acts, Regulations and other directives, Council can disclose information to:
- 13.9.1. Agency heads;
 - 13.9.2. Government Ministers;
 - 13.9.3. NSW Planning Panels;
 - 13.9.4. The NSW Environment Protection Authority (**EPA**);
 - 13.9.5. The Office of Local Government (**OLG**);
 - 13.9.6. The Information and Privacy Commission;
 - 13.9.7. The NSW Ombudsman;
 - 13.9.8. The Independent Commission Against Corruption;
 - 13.9.9. NSW Parliament and NSW Parliamentary Committees; and
 - 13.9.10. Other NSW Government agencies.

Requests for personal information from other agencies

- 13.10.** When Council receives requests from other agencies such as NSW Police, the EPA and others, Council will ask that the request is made in writing with enough information to identify the agency, the legislation they rely on for the provision of the sought information and the purpose for which they intend to use this information.
- 13.11.** Most of these requests are forwarded to Council's Governance Team to check their validity and action as appropriate. Any staff involved in the release of personal information in response to requests from other agencies have the relevant delegations and satisfactory training to do so.

GIPA Act

- 13.12.** The GIPA Act may restrict Council from disclosing any information to an individual or an organisation with respect to Council's operations and services, processing complaints or undertaking a review, assessment or investigation where there is an overriding public interest against disclosure. This can include personal information.

Legal Counsel

- 13.13.** Council reserves the right to seek legal counsel (externally or internally) and may disclose personal information of individuals to such legal counsel.
- 13.14.** Personal information disclosed in this manner, and any act of such disclosure, is subject to legal professional privilege. Nothing in this Policy constitutes a waiver of this privilege.

14. Storage and Security of Information

- 14.1. Council stores personal information both electronically and in hard copy files. Council mostly practices a 'clean desk' approach where possible, which means hard copy files are secured at the end of the day or when not in use where practicable.
- 14.2. Sometimes Council officials take files off-site to attend to their duties, such as conducting inspections. Council officials do not leave sensitive files unattended and do not let anyone else access them.
- 14.3. Council records details of each enquiry in its Customer Request Management System and stores electronic and hard copies of written enquiries. No one other than Council staff can access these registers.

Systems, databases and information management

- 14.4. All information collected in the performance of Council's functions is stored securely on Council's information management systems and servers located at Council's Administration Building or in the cloud.
- 14.5. Council implements the following measures to ensure the integrity and confidentiality of the information it holds:
 - 14.5.1. Council servers and data are backed up as part of scheduled back up and retention procedures;
 - 14.5.2. Council networks are secure and require individual logins; and
 - 14.5.3. Information is retained and/or disposed of in accordance with retention and disposal authorities as set by the NSW State Archives and Records and the *State Records Act 1998* (NSW).
- 14.6. Council also contributes personal information to several online databases/tools or external organisations for compliance and reporting purposes. These include (but are not limited to):
 - 14.6.1. The GIPA Tool managed by the IPC;
 - 14.6.2. The ePlanning Portal managed by the Department of Planning and Environment;
 - 14.6.3. The Public Interest Disclosures online reporting managed by the NSW Ombudsman;
 - 14.6.4. The Companion Animals Register managed by the OLG; and
 - 14.6.5. Revenue NSW in relation to the issuing of fines.

Physical security

- 14.7. Hard copy files are located on Council premises and secure offsite storage. Only authorised Council staff have access to these files. Visitors cannot enter without permission. Council's Administration Building is locked outside of business hours.

- 14.8.** When not being used, hard copy files and sensitive files are securely stored. Printing is secured by staff using individual swipe cards to access and use the printers.
- 14.9.** Council staff members have unique user accounts and passwords to access its computer systems in accordance with Council's Information Security Policy.
- 14.10.** Older hard copy files are archived in a secure storage facility in compliance with the State Records Act 1998. For sensitive documents that need to be destroyed, Council uses locked bins from which the documents are securely destroyed.

Private sector companies, government agencies and contractors

- 14.11.** Council may use private sector companies, contractors or other government agencies for services. If these organisations or individuals have or are likely to have access to personal information, Council ensures that personal and health information is managed in line with the PPIP and HRIP Acts and information security policies.
- 14.12.** Council may do this by:
 - 14.12.1. Asking for evidence of their information handling processes; and/or
 - 14.12.2. Inserting a privacy clause into our contracts and agreements.
- 14.13.** 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.
- 14.14.** An external entity that may manage or collect personal information on behalf of Council includes but is not limited to:
 - 14.14.1. The service providers who are contracted by Council to provide information technology, systems and support;
 - 14.14.2. A secure shredding company to carry out the destruction of sensitive documents;
 - 14.14.3. A marketing or survey company that manages Council's mailing lists and newsletters;
 - 14.14.4. Doctors and other practitioners who are engaged to provide employee-related services;
 - 14.14.5. Event management companies to host events and manage registrations;
 - 14.14.6. Agency and labour hire firms who provide temporary staff; and
 - 14.14.7. IT contractors.

15. Public registers

- 15.1.** Council is required under various Acts to maintain public registers and to make them available for public inspection.

- 15.2.** A public register is defined as a register of personal information that is required by law to be made, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

Disclosure of personal information contained in public registers

- 15.3.** In accordance with section 57 of the PPIP Act, Council will not disclose personal information kept in a public register unless the information is to be used for a purpose related to the purpose of the public register or the Act under which the register is kept.

Application to access records on a public register

- 15.4.** An individual may request access to personal information contained in a public register by:

15.4.1. Contacting Council's Privacy Contact Officer; and

15.4.2. Completing a statutory declaration stating that the intended use of the information is consistent with the purpose for holding that register. An example statutory declaration is provided in **Appendix 1**.

- 15.5.** Council can determine whether to provide a copy of all or part of a register depending on whether such a disclosure fits with the purpose for which it was collected.

- 15.6.** If access is requested to personal information which is not contained in a public register, Council will generally process such requests on an informal basis provided it is appropriate to do so. If not, individuals will be encouraged and assisted where possible to complete a formal access application which will be processed in accordance with the GIPA Act.

- 15.7.** An exemption to section 57 of the PPIP Act applies under the Privacy Code of Practice for Local Government where Council may allow any person to:

15.7.1. Inspect a publicly available copy of a public register in Council premises; and

15.7.2. Copy a single entry or a page of the register.

without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the Act under which the register is kept.

- 15.8.** The application of section 57 is modified to the extent that Council should not require a reason for inspecting or a statutory declaration as to the intended use of any information obtained from an inspection of Council's pecuniary interest register or any register on which Council records returns of interests made by Councillors or designated persons under Part 4 of the *Model Code of Conduct for Local Councils in NSW*:

Public registers held by Council

- 15.9.** Council's public registers include:

| Act / Regulation / Directive | Section / Clause | Name of Register | Purpose | Access and Contact |
|--|-------------------------|---|--|--|
| <i>Local Government Act 1993 (NSW)</i> | Section 53 | Land Register | Identify all land vested in or under Council's control | Contact Customer Service OR Access to Information and Governance Officer |
| | Section 113 | Record of approvals | Identify approvals granted under the LG Act | Register can be accessed on Council's website Contact Customer Service OR Development Services |
| | Section 328A | Political donations disclosures | Identify donations to Councillors | Contact Customer Service OR Access to Information and Governance Officer |
| | Section 375A | Recording of voting on planning matters | Identify the names of Councillors who voted for or against a planning decision | Register is available on Council's website Contact Customer Service OR Access to Information and Governance Officer |

| Act / Regulation / Directive | Section / Clause | Name of Register | Purpose | Access and Contact |
|--|----------------------|------------------------------------|---|---|
| | Sections 377 and 378 | Register of delegations | Identify functions delegated by the General Manager to Council officers | Register can be accessed by request under the GIPA Act |
| | Section 602 | Rates Records | Identify the value and rate liability of a parcel of land and its owner or lessee | Register can be accessed by request under the GIPA Act |
| Code of Conduct | Clauses 4.1 to 5.14 | Disclosures in written returns | Identify pecuniary and non-pecuniary interests of the Chief Executive Officer, Designated Returns and Councillors | Redacted returns can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer |
| <i>Environmental, Planning and Assessment Act 1979 (NSW)</i> | Section 4.58 | Register of consents and approvals | Identify approvals and applications, consents and related appeals under the Act | Register can be accessed on Council's website Contact Customer Service OR Development Assessment |
| | Section 6.26(8) | Record of building certificates | Identify building information certificates | Contact Customer Service OR Building Assessment |

| Act / Regulation / Directive | Section / Clause | Name of Register | Purpose | Access and Contact |
|--|--------------------|---|---|--|
| | | | | and Certification |
| <i>Protection of the Environment Operations Act 1997 (NSW)</i> | Section 308 | Public register of licences and notices | Identify licences and notices granted and issued under the Act | Contact Customer Service OR Environment and Public Health |
| <i>Impounding Act 1993 (NSW)</i> | Sections 30 and 31 | Records of impounding | Identify impounding actions taken by Council | Contact Customer Service OR Community Safety and Development |
| <i>Government Information (Public Access) Act 2009 (NSW)</i> | Section 6(5) | Records of open access information | Identify government information Council holds that has been determined as 'open access information' | Records can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer |
| | Section 25 | Disclosure log of access applications | Identify access applications where there is a public interest in favour of disclosure and Council has determined to provide access to the information | Register can be accessed on Council's website Contact Customer Service OR Access to Information and |

| Act / Regulation / Directive | Section / Clause | Name of Register | Purpose | Access and Contact |
|------------------------------|------------------|----------------------------------|---|---|
| | | | | Governance Officer |
| | Section 27 | Register of government contracts | Identify Council contracts that have (or are likely to have) a value of \$150,000 or more | Register can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer |

Suppression of personal information in a public register

- 15.10.** Any person whose personal information is recorded in a public register has the right to request that their personal details be suppressed in accordance with section 58 of the PPIP Act. Council will comply with that request if it is satisfied that the person's safety or wellbeing would be affected by not suppressing the information.
- 15.11.** An application for suppression must be made in writing and addressed to Council's Privacy Contact Officer stating the reasons for the request. Council may require additional supporting documentation where appropriate.
- 15.12.** Council will err in favour of suppressing the information, unless public interest in maintaining access to the information outweighs any individual interest in suppressing the information.
- 15.13.** Any information that is suppressed from the public register may still be kept for other purposes. The information may still be used for Council functions and disclosure will be managed in accordance with the GIPA Act.

16. Closed Circuit Television (CCTV)

- 16.1.** Council installs and maintains CCTV cameras on Council premises and facilities for a number of purposes, including by not limited to:
- 16.1.1. ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;

- 16.1.2. protect assets and property of Council and others;
 - 16.1.3. assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct and or wrongdoing; and
 - 16.1.4. assist Council to manage its premises and facilities, such as its car parks, playgrounds, libraries, parks, etc.
- 16.2.** Prominent signage notifies all Council staff, contractors, volunteers and members of the public of the use of CCTV and that they may be under surveillance.
- 16.3.** The installation, use and monitoring of CCTV including the storage, retention, use and disclosure of footage is to be governed by appropriate Council policies developed and amended from time to time.
- 16.4.** Under clause 9 of the PPIP Regulation, Council is exempt from some obligations of the PPIP Act relating to the collection of personal information by CCTV camera installed for the purpose of filming in a public place (if the camera is positioned so no other land is filmed (unless it is not reasonably practicable)), and disclosed to NSW Police by way of live transmission.
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17. Data Breaches

- 17.1.** A data breach occurs when there is a failure that has allowed or has the potential to allow unauthorised access to Council's data. Examples include malware, hacking and data theft, accidental loss of a paper record, laptop or USB stick and emails sent to the wrong recipients if they contain classified or personal information.
- 17.2.** Separate from this Policy, Council has a Data Breach Policy and Procedure that sets out Council's guidelines and processes for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.
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18. Responsibilities

Compliance, monitoring and review

- 18.1. Chief Executive Officer** (or their delegate) is responsible for:
- 18.1.1. Ensuring this Plan is accurate and up to date;
 - 18.1.2. Ensuring that Council meets its obligations under the PPIP Act, the HRIP Act and this Plan;
 - 18.1.3. Appointing a Privacy Contact Officer;
 - 18.1.4. Determining requests for the suppression of personal information; and

18.1.5. Conducting internal reviews in accordance with this Plan where Council's Privacy Contact Officer or their delegate, the Administrator, Mayor or Councillors were initially involved.

18.2. Privacy Contact Officer (or their delegate) is responsible for:

18.2.1. Ensuring the compliance, monitoring and review of this Plan;

18.2.2. Assisting the CEO to meet their responsibilities pursuant to the PPIP Act, HRIP Act and this Policy;

18.2.3. Creating awareness about this Policy;

18.2.4. Coordinating steps to ensure Council complies with the PPIP Act, HRIP Act and this Policy;

18.2.5. Coordinating requests for the suppression of personal information;

18.2.6. Assessing and determining applications to access or amend personal information;

18.2.7. Conducting internal reviews in accordance with this Policy;

18.2.8. Reporting data breaches to the Privacy Commissioner;

18.2.9. Providing advice on matters relating to privacy and personal information.

18.3. Governance Team is responsible for:

18.3.1. Providing assistance to the Privacy Contact Officer and the CEO or their delegates as required; and

18.3.2. Providing advice on matters relating to privacy and personal information.

18.4. All Council Officials are responsible for:

18.4.1. Collecting, storing, accessing and disclosing personal information in accordance with this Policy and clauses relating to personal information contained in Council's Code of Conduct;

18.4.2. Reporting breaches of personal information to the Privacy Contact Officer and Governance Team; and

18.4.3. Ensuring privacy disclaimers and disclosures are included when collecting personal information.

18.5. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

Reporting

18.6. An annual report will be provided to Council's Executive Leadership Team outlining the number and nature of incidents or reports under this Policy,

including requests for internal reviews following an alleged breach of privacy. This report may also be provided to Council's Audit, Risk and Improvement Committee where appropriate.

Records management

- ~~18.7.~~ Staff must maintain all records relevant to administering this protocol in accordance with Council's [Information and Records Management Policy](#).

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19. Policy Definitions

| | |
|-------------------------|--|
| Act | means the <i>Local Government Act 1993</i> (NSW) |
| Council | means Central Coast Council |
| CEO | means the Chief Executive Officer of Central Coast Council and includes their delegate or authorised representative. References to the Chief Executive Officer are references to the General Manager appointed under the <i>Local Government Act 1993</i> (NSW). |
| Council Official | has the same meaning it has in Council's Code of Conduct. |
| GIPA Act | means the <i>Government Information (Public Access) Act 2009</i> (NSW). |
| HPP | means the Health Privacy Principles as outlined in Schedule 1 of the <i>Health Records and Information Privacy Act 2002</i> (NSW). |
| HRIP Act | means the <i>Health Records and Information Privacy Act 2002</i> (NSW). |
| IPP | means the Information Protection Principles as outlined in the <i>Privacy and Personal Information Protection Act 1998</i> (NSW). |
| PPIP Act | means the <i>Privacy and Personal Information Protection Act 1998</i> (NSW). |

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| | |
|---|---|
| Business Group | Corporate Services |
| Responsible Officer | Unit Manager Governance Risk and Legal |
| Policy Review Date | Four years from date of adoption unless legislated otherwise |
| File Number / Document Number | D15782319 |
| Relevant Legislation (reference specific sections) | <p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ Government Information (Public Access) Act 2009 ▪ <i>Government Information (Public Access) Regulation 2009</i> ▪ Health Records and Information Privacy Act 2002 ▪ <i>Health Records and Information Privacy Regulation 2002</i> ▪ Local Government Act 1993 ▪ <i>Local Government (General) Regulation 2021</i> ▪ Privacy and Personal Information Protection Act 1998 ▪ <i>Privacy and Personal Information Protection Regulation 2014</i> ▪ State Records Act 1998 |
| Link to Community Strategic Plan | <p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.</p> |

**Related Policies / Protocols /
Procedures / Documents
(reference document numbers)**

- [Information and Records Management Policy \(D14025241\)](#)
- [Code of Conduct](#)
- [Delegations Register](#)
- [Privacy Code of Practice for Local Government](#)
- [Complaints and Feedback Management Policy \(D14928768\)](#)
- Public Interest Disclosure Policy (D15810716)

DRAFT

21. Policy Authorisations

| No. | Authorised Function | Authorised Business Unit / Role(s) |
|-----|---|---|
| TBA | Amend customer details Council holds such as name, address, contact number, email address in accordance with this Policy and relevant legislation | Chief Executive Officer (or delegate) Privacy Contact Officer (or delegate) |
| TBA | Amend specific Personal or Health Information Council holds in accordance with this Policy and relevant legislation | Chief Executive Officer (or delegate) Privacy Contact Officer (or delegate) |
| TBA | Process and determine applications seeking access to Personal Information under the PPIP and HRIP Acts, including seeking access to information contained in Council's Public Registers | Chief Executive Officer (or delegate) Privacy Contact Officer (or delegate) Governance Team |
| TBA | Process and determine requests for internal reviews in accordance with this Policy and relevant legislation | Chief Executive Officer (or delegate) Privacy Contact Officer (or delegate) Governance Team |

| No. | Authorised Function | Authorised Business Unit / Role(s) |
|-----|---|---|
| TBA | Liaise with the Privacy Commissioner and other external agencies/bodies in relation to external reviews in accordance with this Policy and relevant legislation | Chief Executive Officer (or delegate) Privacy Contact Officer (or delegate) Governance Team |
| TBA | Report data breaches to the Privacy Commissioner in accordance with this Policy and relevant legislation | Chief Executive Officer (or delegate) Privacy Contact Officer (or delegate) Governance Team |

22. Policy History

| Revision | Date Approved / Authority | Description Of Changes |
|----------|---------------------------|---|
| 1 | 26/07/2022 | <i>Creation of Plan in accordance with the Privacy and Personal Information Protection Act 1998 (NSW)</i> |
| 2 | October 2023 | Merging Procedure to incorporate into new template. D15782319 |

23. Appendices

1. Statutory Declaration for Access Under Section 57 of the *Privacy and Personal Information Protection Act 1998* to a Public Register held by Council **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, NSW, EIGHTH SCHEDULE

I, of
[name of declarant] **[address]**

do solemnly and sincerely declare that I am
[details of relationship of any, to person inquired about]

I seek to know whether
[insert name of person]

is on the public register of
[describe the relevant public register]

The purpose for which I seek this information is
[insert purpose]

The purpose for which the information is required to
[insert purpose]

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

Declared at: on
[place] **[date]**

.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, a
[name of authorised witness] **[qualification of authorised witness]**

certify the following matters concerning the making of this statutory declaration by the person who made it:

[* please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document I relied on was
[describe identification document relied on]

.....
[signature of authorised witness]

.....
[date]