

POLICY NAME: PRIVACY MANAGEMENT PLAN

POLICY REF: P05

MEETING ADOPTED: 26 October 2023
Resolution No. 261023/21

POLICY HISTORY: 2801116/14; 151211/28; 160812; 251001/19;
240806/37



TABLE OF CONTENTS

OBJECTIVE 1

BACKGROUND 1

DEFINITIONS..... 1

SCOPE OF POLICY..... 2

RELATED DOCUMENTATION 2

BALLINA SHIRE COUNCIL RELATED DOCUMENTATION 2

INTRODUCTION 2

 What this plan covers..... 3

 About Ballina Shire Council 3

 Ballina Shire Council Functions..... 3

 What is personal information? 3

 What is not personal information? 4

 What is health information? 4

 How does Ballina Shire Council manage your personal and health information? 4

 What personal and health information do we collect? 4

 When do we collect your personal and health information? 6

 What about the storage, access and accuracy of personal and health information? 7

 How does Ballina Shire Council use and disclose personal and health information? 7

PUBLIC REGISTERS 8

 Suppression of personal information..... 9

DATA BREACHES 9

REVIEW RIGHTS AND COMPLAINTS 9

 Internal review 9

 Internal review process..... 9

 The Privacy Commissioner’s role in internal reviews..... 10

 External review by the NSW Civil and Administrative Tribunal (NCAT) 10

PROMOTING PRIVACY..... 11

 Employee awareness..... 11

 Public awareness..... 11

MANAGING PERSONAL AND HEALTH INFORMATION UNDER LEGISLATION..... 11

 The Privacy and Personal Information Protection Act 11

 Information protection principles..... 11

 Collection..... 12

 Storage..... 12

 Access and accuracy..... 12

 Use 12

 Disclosure..... 12

Exemptions and the Privacy Code of Practice for Local Government	13
Exemptions to the Information Protection Principles (IPPs).....	13
Privacy Code of Practice for Local Government.....	13
Offences.....	14
The Health and Information Privacy Act.....	14
Health privacy principles	14
Collection.....	14
Storage.....	14
Access and accuracy	14
Use	14
Disclosure.....	15
Identifiers and anonymity	15
Transfers and linkage	15
Exemptions to the Health Privacy Principles (HPPs)	15
Health Records and Information Privacy Code of Practice 2005	15
Offences.....	15
LAWS AND STANDARDS	15
CONTACT DETAILS.....	17
Public Officer – Director Corporate and Community.....	17
Privacy Officer – Manager Information Services	17
Information and Privacy Commission.....	17
NSW Civil and Administrative Tribunal.....	17
REVIEW.....	17

OBJECTIVE

To inform our community about how personal information will be collected, used, stored, disclosed and accessed.

To advise council officers of their obligations in relation to the handling of personal information and when they can and cannot collect, use, store or disclose it.

BACKGROUND

The Privacy and Personal Information Protection Act 1998 (PPIP Act) requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the Health Records and Information Privacy Act 2002 (HRIP Act).

Both the PPIP Act and the HRIP Act impose responsibilities on the collection, storage, use and disposal of personal information. Both Acts also provide the public rights to ensure that personal information is not used for unlawful purposes and provides internal and external review mechanisms to protect those rights.

DEFINITIONS

Code	Privacy Code of Practice for Local Government
Council	Ballina Shire Council (BSC)
GIPA Act	Government Information (Public Access) Act 2009 (NSW)
HPPs	Health Privacy Principles
HRIP Act	Health Records and Information Privacy Act 2002 (NSW)
IPPs	Information Protection Principles
LG Act	Local Government Act 1993 (NSW)
LG Reg	Local Government (General) Regulation 2021
Personal Information	in this plan refers to both personal and health information, except where specific references are made to health information under the HRIP Act
Plan	Privacy Management Plan
PPIP Act	Privacy and Personal Information Protection Act 1998 (NSW)
SRA	State Records Act 1998 (NSW)

SCOPE OF POLICY

This policy applies to:

- Council employees
- Councillors
- Council committees, including any community members of those committees
- Consultants and contractors.

Any reference to employees in this Plan includes permanent (whether full-time or part-time), temporary and casual employees together with agency contractors, consultants, volunteers, trainees and apprentices, and students on work placements.

RELATED DOCUMENTATION

- [Government Information \(Public Access\) Act 2009 \(NSW\)](#)
- [Government Information \(Public Access\) Regulation 2018](#)
- [Health Records and Information Privacy Act 2002 \(NSW\)](#)
- [Health Records and Information Privacy Code of Practice 2005](#)
- [Privacy and Personal Information Protection Act 1998 \(NSW\)](#)
- [Privacy Code of Practice for Local Government](#)

BALLINA SHIRE COUNCIL RELATED DOCUMENTATION

- [Code of Conduct](#)
- [Code of Meeting Practice](#)
- [Complaints Management Policy](#)
- [Data Breach Response Plan](#)

INTRODUCTION

The purpose of this Privacy Management Plan (Plan) is to explain how Ballina Shire Council (Council) manages personal and health information in accordance with NSW privacy laws. This includes the:

- Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)
- Health Records and Information Privacy Act 2002 (NSW) (HRIP Act).

This Plan also explains who our community should contact about the personal and health information collected and held by council, how the information can be accessed and amended and how privacy complaints are handled. Additionally, this Plan is used to guide council employees in how to deal with personal information.

What this plan covers

The council is required to have a Plan under section 33 of the PPIP Act which must include:

- information about how council develops policies and practices to ensure compliance with the PPIP Act and the HRIP Act
- how people within council are made aware of these policies and practices
- council internal review procedures
- anything else council considers relevant to the Plan in relation to privacy and the personal and health information it holds.

About Ballina Shire Council

Council has responsibilities under the Local Government Act 1993 and other Commonwealth and NSW laws including the Environmental Planning and Assessment Act 1979, the Public Health Act 2010, the Companion Animals Act 1998, the State Records Act 1998 and the Government Information (Public Access) Act 2009.

Councils exist to:

- provide a representative, informed and responsible decision-making body
- develop the local community and its resources in a socially just and environmentally responsible way
- ensure that local public services and facilities respond effectively to community needs.

Ballina Shire Council Functions

- to provide adequate, equitable and appropriate services and facilities for the community and manage them efficiently and effectively
- to exercise community leadership
- to provide and plan for the needs of the community
- to manage, develop, protect, restore, enhance and conserve the environment
- to effectively account for and manage the income and assets for which it is responsible
- to facilitate the involvement of the community in local government processes and decision making
- to inform the community about its activities
- to act consistently and without bias
- to be a responsible employer.

More detailed information about our functions is available on [Council's website](#).

What is personal information?

Personal information is defined in section 4 of the PPIP Act as follows:

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

What is not personal information?

There are some kinds of information that are not personal information. These include:

- information about someone who has been dead for more than 30 years
- information about someone that is contained in a publicly available publication
- information or an opinion about a person's suitability for employment as a public sector official.

What is health information?

Health information is a more specific type of personal information and is defined in [section 6](#) of the HRIP Act.

Health information includes information or an opinion about a person's physical or mental health or disability, or a person's express wishes about the future provision of their health services or a health service provided to an individual.

Examples of the types of health information held by council. Information about staff:

- sick leave applications (with or without medical certificates)
- workers compensation records
- rehabilitation records
- vaccination status.

Information about residents:

- medical or health information supplied with enrolment in an activity or program, eg learn to swim
- medical or health information provided to council to support an investigation.

How does Ballina Shire Council manage your personal and health information?

Council is committed to building good privacy practices into its decision making, as well as the design and structure of its information systems, business processes and services.

Council will consider privacy at all stages of initiatives, from conception through to the development and implementation phase. We are committed to developing an organisation-wide awareness of privacy and support the principles of data minimisation and informed consent.

What personal and health information do we collect?

Council collects personal and health information in a variety of ways to perform services and functions. Council assesses the level of information that is appropriate to be collected and aims to minimise the amount of personal and health information it collects and manages.

Council supports this commitment through a range of tools including organisation wide training on this Plan and our privacy requirements including a commitment to data minimisation, detailed guidance on our intranet privacy pages and advice from the Privacy Officer on individual privacy protection notices and privacy requirements.

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

Personal and health information may be collected from:

- members of the public
- NSW and Commonwealth public sector agencies
- businesses
- non-government organisations
- employees.

Contractors acting on council's behalf may also collect personal and health information. Council regularly reviews clauses in its contracts that require contractors to comply with relevant privacy obligations.

Council has a range of functions requiring or involving the collection of personal and health information, including:

- levying and collecting rates
- providing services, for example, community facilities and waste collection
- consultation with the community, businesses and other stakeholders
- assessing development and major project applications
- recording, investigating and managing complaints and allegations
- site inspections and audits
- incident management
- enforcing regulations and legislation
- issuing approvals, consents, licences and permits
- providing funding grants
- maintaining the non-residential register of electoral information
- employment
- fitness for work.

Personal and health information may be collected by council in many ways including:

- incident reports
- medical assessment reports
- immunisation history statements
- submissions
- application forms
- CCTV footage
- public registers
- financial transaction records
- contracts
- customer enquiries
- telematics such as GPS and surveillance devices used to locate and monitor council operational vehicles
- online services

- images, video footage and/or audio recordings from council events
- Personal and health information may be collected electronically, in writing, over the telephone or in person.

When do we collect your personal and health information?

Individuals may provide council with personal or health information. This can include names, contact details, opinions, financial information, work or education details. Individuals may also provide personal information about other people.

Council regards all information concerning our customers as information protected by the PPIP Act.

Whilst information provided by our customers is not deemed to have been collected by council (IPP 2), the access, storage, use and disclosure privacy and health principles in this plan will apply to that information.

Council may collect personal information from other public sector agencies where it is authorised by law to do so.

Where we cannot collect personal information directly from a person we will ensure one of the following:

- authority has been obtained from the person, or
- it is permitted under an Act or law, or
- for those under the age of 16 years it is received from a parent or guardian, or
- is permitted under codes of practice, for example Privacy Code of Practice for Local Government.

The only other exception to the above is in the case where council is given unsolicited information.

Where Council collects personal information directly from an individual, we will advise;

- the purposes for which the information is being collected;
- the intended recipients of the information;
- whether the supply of the information is required by law or is voluntary;
- any consequences if the information (or any part of it) is not provided;
- the name of the section of council that is collecting the information; and
- the collection of personal information by use of security cameras or other devices will be accompanied by appropriate signage as required by law.

Privacy law requires us to take reasonable steps to give notice to people when collecting their personal information, that is, a privacy collection notice.

A privacy collection notice will be included on all forms (paper or electronic) that collect personal information from individuals, to explain why we are collecting their personal information, and how it will be used. This allows the individual to make an informed choice about whether to provide us with their information. The BSC Privacy Manual provides council officers a range of privacy collection notice templates for use in a variety of situations.

An example of a template for a paper-based form is provided below;

This completed form contains your personal information we are collecting for the purpose of <describe the primary purpose of collection>.

*The information supplied is required under the <name of Act>. **OR** Provision of the information is voluntary; however, if insufficient information is provided, we will be unable to process your application. The information will be stored in council's business systems.*

We will not disclose your personal information to anybody else, unless you have given consent, or we are authorised or required to do so by law. Our Privacy Management Plan explains the lawful grounds on which we collect, use, disclose and transfer personal information. It also explains how you can seek access to, or amendment of the personal information we hold about you, and who to contact if you have a privacy enquiry or complaint.

What about the storage, access and accuracy of personal and health information?

Personal information and health information is stored electronically and in hard copy files.

The following applies to information council holds:

- only authorised employees and third parties can access personal information
- electronic information is stored on secure information systems that require individual logins. Security protocols and access controls are applied to ensure only authorised staff can access sensitive information.
- hard copy files and sensitive information are securely stored
- new systems will be assessed for compliance with the PPIP Act and HRIP Act
- employees will take reasonable steps to ensure personal information is accurate before using it
- reasonable steps to ensure accuracy of information include the collection directly from an individual wherever possible, and the sourcing of personal information from official council business systems.
- a person may access or request the amendment of their personal and health information by contacting the [BSC Customer Service Team](#)
- personal information will be kept no longer than necessary and disposed of appropriately in accordance with council's Records Management Plan.

Please refer to [Managing personal and health information under legislation](#) below for details of exemptions, directions and codes of practice that may affect the above.

How does Ballina Shire Council use and disclose personal and health information?

Council will use your personal information for the purpose for which it was collected and may use it as is necessary for the exercise of other council functions where it is satisfied that the personal information is reasonably necessary for the exercise of such functions.

For example, your personal information may be used to understand community and customer needs to improve our services. Council may also use your information to let you know about services or other information available (e.g. newsletters) and may share your information within other divisions of council and authorised outsourced service providers to expedite services to customers.

Employees use the personal information collected to:

- deliver services
- conduct research
- provide advice
- continually improve services.
- Council will only use health information for the purpose it was collected for unless;
- it has consent for its use for other purposes, or
- the secondary purpose is directly related to the primary purpose, or
- it is permitted under legislation such as an emergency or serious threat to health or welfare.
- Council does not disclose personal or health information without consent, unless the disclosure is:
- for a purpose directly related to the reason it was collected and council has no reason to believe the individual would object, or
- necessary to prevent or lessen a serious and imminent threat to someone's health or safety, or
- permitted under the PPIP Act, the HRIP Act or other legislation.
- Council is prohibited from providing access to another person's personal and health information, however;
- under section 26 of the PPIP Act, a person can give consent for the disclosure of their personal information to someone that would not normally have access to it;
- under section 7 and section 8 of the HRIP Act, an "authorised person" can act on behalf of someone else; and
- 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 an individual, to find a missing person or for compassionate reasons.

Council will not disclose sensitive personal and health information about 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.

Council will allow people to remain anonymous where it is lawful and practicable. For example, where possible our online surveys and other community engagement initiatives allow for feedback to be given anonymously.

PUBLIC REGISTERS

The PPIP Act governs how council should manage personal information contained in public registers. Under the PPIP Act a public register is a register of personal information that is required by law to be made, or is made publicly available or open to public inspection.

Part 6 of the PPIP Act prevents the disclosure of personal information held on public registers, unless the information is to be used for a purpose relating to the purpose of the register.

Ballina Shire Council's public registers include:

- Assets Register
- Cemetery Register
- Contracts Register
- Donations Register
- DAs Online Register
- Disclosure Log of Formal Access Applications under GIPA
- Land Register
- Roads Register

Note: This list is not exhaustive. Other public registers may be held to which PPIPA applies.

Suppression of personal information

Any person whose personal information is recorded in a public register has the right to request that their personal details be suppressed.

Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information. Applications to suppress personal details from a public register should be made in writing to Council's Public Officer. A statutory declaration as required by section 739 of the Local Government Act may be required in certain circumstances.

DATA BREACHES

Separate from this Plan the Council's Data Breach Response Plan provides guidance on how council responds to data breaches of council held information. It sets out the procedures for managing a data breach, including considerations around notifying persons whose privacy may be affected by a breach.

REVIEW RIGHTS AND COMPLAINTS

Council encourages the informal resolution of privacy issues before undertaking the formal internal review process under Section 53 of the PPIP Act.

Issues can be raised informally and initially managed under the [Complaint Management Policy](#).

Internal review

Individuals have the right to seek an internal review under Part 5 of the PPIP Act if they believe that council has breached the PPIP Act or HRIP Act relating to their own personal and health information.

Individuals cannot seek an internal review for a breach of someone else's privacy, unless they are authorised representatives of the other person.

An internal review is an internal investigation that the council conducts into a privacy complaint. Council will assess whether or not it has complied with its privacy obligations, and then tell the applicant of its findings and if it will take any further action.

Internal review process

Applications for an internal review must:

- be in writing

- be addressed to the Public Officer Ballina Shire Council
- specify a postal or email address in Australia to which the review response may be sent
- be made within six months from first becoming aware of the conduct that is the subject of the application.

Council recommends that applicants use the Information and Privacy Commission's [Privacy Complaint: Internal Review Application Form](#) when submitting a written request for a review.

The Public Officer or their delegate will conduct the internal review. If the internal review is about the conduct of the Public Officer, the General Manager will appoint another person to conduct the internal review.

The Public Officer will refer to the Privacy Commissioner's guidance materials including the IPC [Checklist: Internal review](#) when carrying out an internal review.

Council aims to:

- acknowledge receipt of an internal review within **3 working days**
- complete an internal review as soon as is practicable, and within **60 days**.
- Once the review is completed, council may take no further action, or it may do one or more of the following:
 - make a formal apology
 - take remedial action
 - provide undertakings that the conduct will not occur again
 - implement administrative measures to reduce the likelihood of the conduct occurring again.
- The Public Officer will notify the applicant in writing within 14 days of completing an internal review of:
 - the findings of the review
 - the action proposed to be taken by council and the reasons for taking that action (if any)
 - the right of the applicant to have those findings, and the proposed action, administratively reviewed by the NSW Civil and Administrative Tribunal.

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 regarding internal reviews.

If council receives an internal review application, it will:

- notify the Privacy Commissioner 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 in relation to the matter.

An individual can also make a complaint directly to the [Privacy Commissioner](#) about an alleged breach of their privacy.

External review by the NSW Civil and Administrative Tribunal (NCAT)

If an internal review is not completed within 60 days, or the applicant is not satisfied with the findings of an internal review or the action taken in relation to the review, the applicant may

apply to NCAT within 28 days to review the conduct or decision complained about.

NCAT's role is to assess whether or not council has complied with its privacy obligations.

PROMOTING PRIVACY

Employee awareness

Council ensures that its employees are aware of and understand this Plan and how it applies to the work they do, so that they understand what their privacy obligations are, how to manage personal and health information in their work and what to do if they are unsure.

Council promotes awareness of privacy obligations among employees by:

- publishing this Plan and information about privacy on the council's intranet and website, including our BSC Privacy Manual which are a practical overview of the IPPs and HPPs and their responsibilities.
- communicating regularly with employees about privacy
- ensuring council policies comply with privacy legislation through policy authors consulting with the Privacy Officer
- including the Plan in the council's new starter induction
- providing induction and refresher training
- providing targeted advice to employees and business units
- highlighting and promoting the Plan at least annually, during Privacy Awareness Week.

When employees have questions about how to manage personal and health information under this Plan, they may consult with their manager, or the Privacy Officer.

Public awareness

This Plan provides information to members of the public about how the council manages personal and health information. Council promotes public awareness of the Privacy Management Plan by:

- publishing the Plan on the council's website
- referring to the Plan in its privacy notices
- informing people about the Plan when responding to enquiries about personal and health information.

MANAGING PERSONAL AND HEALTH INFORMATION UNDER LEGISLATION

This section contains a general summary of how council must manage personal and health information under the Privacy and Personal Information Protection Act 1998 (PPIP Act), the Privacy and Personal Information Protection Regulation 2019, the Health Records and Information Privacy Act 2002 (HRIP Act) and other relevant legislation.

The Privacy and Personal Information Protection Act

The PPIP Act sets out how council must manage personal information.

Information protection principles

Part 2, Division 1 of the PPIP Act contains 12 Information Protection Principles (IPPs) with which council must comply. The following is an overview of the principles as they apply to council.

Collection

1. Council collects personal information only for a lawful purpose that is directly related to council's functions and activities.
2. Council collects personal information directly from the person concerned. Council will not collect personal information from third parties unless the individual has authorised collection from someone else or, in the case of information relating to a person under the age of 16 years, the information has been provided by a parent or guardian.
3. 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 implications if they decide not to give their personal information to us.
4. Council ensures that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs.

Storage

5. Council will store personal information securely, keep it no longer than necessary and dispose of it securely and in accordance with council's obligations under the State Records Act 1998 and any other requirements for the retention and disposal of personal information. Personal information is protected from unauthorised access, use or disclosure.

Access and accuracy

6. Council is transparent about the personal information it holds, why it is used, and the right to access and amend it.
7. Council allows people to access their own personal information without unreasonable delay or expense.
8. Council allows people to update, correct or amend their personal information where it is necessary.
9. Council will take reasonable steps to ensure that personal information is relevant and accurate before using it.

Use

10. Council only uses personal information for:
 - a. the purpose for which it was collected and directly related purposes
 - b. to prevent or lessen a serious or imminent threat to the life or health of the individual to whom the information relates or of another person
 - c. other purposes as specified under 'Exemptions and the Privacy Code of Practice for Local Government' below, or
 - d. any other purpose only with consent.

Disclosure

11. Council does not disclose personal information without consent, unless disclosure is:
 - a. for a purpose directly related to the reason we collected it, and where council has no reason to believe the individual would object
 - b. necessary to prevent or lessen a serious and imminent threat to someone's life or health, or

- c. permitted under the PPIP Act, Privacy Codes of Practice under the PPIP Act or the HRIP Act or other legislation.
12. Council does not disclose sensitive personal information without consent, e.g. ethnicity or racial origin, political opinions, religious or philosophical beliefs, sexual activities or trade union membership, unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.

Exemptions and the Privacy Code of Practice for Local Government

Exemptions to the Information Protection Principles (IPPs)

Part 2, Division 3 of the PPIP Act contains exemptions that may permit council to not comply with IPPs in certain situations. These include the following:

- council is not required to comply with IPPs 2-3, 6-8, or 10-12 if lawfully authorised or required not to do so
- council is not required to comply with IPP 2 if the information concerned is collected in relation to court or tribunal proceedings
- council is not required to comply with IPPs 1-4, 10 or 11 in relation to emergency situations
- council is not required to comply with IPPs 1-4, 10 or 11 if council is providing the information to another public sector agency, in particular to enable inquiries to be referred between the agencies concerned.

For example, section 23(3) of the PPIP Act provides that council is not required to comply with collection requirements if the information concerned is collected for law enforcement purposes such as the issue of a penalty infringement notice.

Privacy Code of Practice for Local Government

Council must comply with the Privacy Code of Practice for Local Government as prepared by the Office of the Privacy Commissioner and revised on 20 December 2019.

- Under the Privacy Code of Practice for Local Government where it is reasonably necessary, the council may indirectly collect and use personal information to confer an award, prize, or similar form of personal recognition on the person about whom the information relates.
- The Privacy Code of Practice for Local Government also permits council to use personal information for a purpose other than the purpose for which it was collected where the use is in pursuance of council's lawful and proper functions and council is satisfied that the personal information is reasonably necessary for the exercise of those functions.
- For example, the Rates Register that council holds under section 602 of the Local Government Act 1993 may be used to:
 - notify neighbours of a proposed development
 - evaluate a road opening or
 - evaluate a tree preservation order.
- In addition, council may use personal information for other specific purposes where council is satisfied that the information is reasonably necessary for another function such as:
 - understanding community and customer needs to improve our services
 - letting customers know about services or other information available (e.g. newsletters)
 - sharing personal information within other divisions of council and authorised outsourced service providers to expedite services to customers.

Offences

Offences can be found in section 62-68 of the PPIP Act. It is an offence for council to:

- intentionally disclose or use personal information for an unauthorised purpose
- supply personal information that has been disclosed unlawfully
- hinder the Privacy Commissioner or their employees from doing their job.

The Health and Information Privacy Act

The HRIP Act sets out how council must manage health information.

Health privacy principles

Schedule 1 of the HRIP Act contains 15 Health Privacy Principles ('HPPs') that council must comply with. The following is an overview of the principles as they apply to council.

Collection

1. Council collects health information only for a lawful purpose that is directly related to the council's functions and activities.
2. Council ensures that health information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs.
3. Council collects health information directly from the person concerned or with consent from the person concerned.
4. Council informs people why their health information is being collected, what it will be used for, to whom it will be disclosed, how it can be accessed and amended and any possible implications of not providing health information.

Storage

5. 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. Council is transparent about the health information it holds, why it is used, and the right to access and amend it.
7. Council allows people to access their own health information without unreasonable delay or expense.
8. Council allows people to update, correct or amend their health information where necessary.
9. Council ensures that health information is relevant and accurate before using it.

Use

10. Council only uses health information for the purpose it was collected for unless it has consent for its use for another purpose.

Disclosure

11. Council does not disclose health information without consent unless disclosure is permitted under the HRIP Act or other legislation.

Identifiers and anonymity

12. Council may use unique identifiers for health information.
13. Council allows people to remain anonymous where it is lawful and practicable.

Transfers and linkage

14. Council does not transfer health information outside of NSW without authority.
15. Council does not currently use a health records linkage system.

Exemptions to the Health Privacy Principles (HPPs)

Exemptions are located mainly in Schedule 1 to the HRIP Act and may permit council not to comply with HPPs in certain situations. For example, council is not required to comply with HPPs 4-8, and 10 if lawfully authorised or required not to do so.

Health Records and Information Privacy Code of Practice 2005

The Health Records and Information Privacy Code of Practice 2005 applies to council. It permits, in certain limited circumstances, the collection, use and disclosure of health information between human services agencies without the consent of the person to whom the health information relates.

A human services agency is a public sector agency that provides welfare services, health services, mental health services, disability services, drug and alcohol treatment services, housing and support services and/or education services.

Offences

Offences can be found in section 68-70 of the HRIP Act. It is an offence for the council to:

- intentionally disclose or use health information for an unauthorised purpose
- offer to supply health information that has been disclosed unlawfully.

LAWS AND STANDARDS

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

Under this Act and Regulation members of the public can apply for access to information held by council. This information may include personal or health information.

If the personal or health information is about a third party rather than the applicant, the GIPA Act requires that council to take all reasonable steps to consult with them to ensure their information is not released without proper consultation and careful consideration.

Public Interest Disclosures Act 2022 (PID Act)

Under the PID Act any public official can make a public interest disclosure to council.

The PID Act requires that information that might identify or tend to identify a person who has made a public interest disclosure should be protected.

State Records Act 1998 and State Records Regulation 2015

This Act and Regulation authorise the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.

Local Government Act 1993 (LG Act)

Section 299 of the LG Act requires council to collect personal information to prepare and confirm the non-residential electoral rolls.

Referrals to external agencies under other relevant legislation

Council is required under legislation to provide information, including personal and health information, to a variety of external agencies, for example;

- NSW Ombudsman
- Independent Commission Against Corruption
- NSW Police.

CONTACT DETAILS

Further information about council's Privacy Management Plan and the personal and health information council holds can be obtained from council's Public Officer.

Public Officer – Director Corporate and Community

Email: council@ballina.nsw.gov.au
Telephone: 1300 864 444
Address: 40 Cherry Street Ballina NSW 2478
Postal: PO Box 450 Ballina NSW 2478
Website: <https://ballina.nsw.gov.au>

Privacy Officer – Manager Information Services

Email: council@ballina.nsw.gov.au
Telephone: 1300 864 444
Address: 40 Cherry Street Ballina NSW 2478
Postal: PO Box 450 Ballina NSW 2478
Website: <https://ballina.nsw.gov.au>

Information and Privacy Commission

Email: ipcinfo@ipc.nsw.gov.au
Telephone: 1800 472 679
Address: Level 15, McKell Building, 2-24 Rawson Place,
Haymarket NSW 2000
Postal: GPO Box 7011, Sydney NSW 2001
Website: <https://www.ipc.nsw.gov.au/>

NSW Civil and Administrative Tribunal

Email: aeod@ncat.nsw.gov.au
Telephone: 1300 006 228
Address: Level 10, John Maddison Tower, 86-90 Goulburn Street,
Sydney NSW 2000
Postal: PO Box K1026, Haymarket NSW 1240
Website: <https://www.ncat.nsw.gov.au/>

REVIEW

The Privacy Management Plan is to be reviewed every four years.