

# Privacy Management Plan

In accordance with the Privacy and Personal Information Protection Act (PPIPA), 1998.

Endorsed by Chief Executive Officer 12 July 2004



Responsibility:  
Legal Services

*city of villages*

## CITY OF SYDNEY PRIVACY MANAGEMENT PLAN

The Council respects the privacy of the residents and ratepayers of the City of Sydney area, by preparing the following Privacy Management Plan in accordance with the requirements of Section 33 of the Privacy and Personal Information Protection Act.

In order to comply with the requirements of this Act, Council will comply with Information Protection Principles in relation to its handling of Personal Information.

*Personal information is defined as "any information about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion".*

### **A. Privacy Principles (Part 2 Division 1 Sections 8 to 19 inclusive, PIPP Act).**

#### **1. The Council will not collect personal information unless:**

- 1.1) Information is collected for a lawful purpose that is directly related to a function or activity of Council, and
- 1.2) The collection of the information is reasonably necessary for that purpose.

The Council will not collect personal information by any unlawful means.

#### **Dealings with other Councils and Government Agencies**

Council continues to collect and deliver personal information to and from Government Departments involved in the normal functions of Council's operation.

Council deals with the NSW Department of Community Services (DOCS) for enquiries on personnel and recruitment matters ie for pre-employment screening of people working with children (Children & Young Peoples Act).

#### **Multiple uses of personal information**

*Council uses any personal information for a variety of purposes within its departments, as on most occasions the information was collected for one main purpose, it may be used for a variety of other purposes.*

- eg: the names and addresses of individual owners of property kept on the Rate and charging record (Section 602 of the Local Government Act) are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status as well as being the basis of the Rating and Valuation Register.

**2. When collecting personal information, Council will collect information only from the individual to whom the information relates unless:**

- 2.1) The individual has authorised collection from someone else, or
- 2.2) The information has been provided by a parent or guardian of a person under the age of 16.

**3. When Council collects personal information about an individual, that person will be notified of:**

- 3.1) The fact that the information is being collected,
- 3.2) The purposes for which the information is collected,
- 3.3) The intended recipients of the information,
- 3.4) Whether the supply of the information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- 3.5) The existence of any right of access to, and correction of the information,
- 3.6) Council's name and address and where the information will be stored.

A Privacy Protection Notice will be added to all forms, where the Council solicits personal information from the general public. Internal forms are not affected.

A Privacy statement will be shown, where lists of names and addresses of attendees are collected at public meetings.

**4. Council will take reasonable steps to ensure that:**

- 4.1) Information collected, is relevant to a purpose, is not excessive, and is accurate, up to date and complete, and
- 4.2) The collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

*Information may be released to public enquiry under Section 12 of the Local Government Act or the Freedom of Information Act.*

**5. With regards to the retention and security of personal information, Council will ensure:**

- 5.1) That information is used for a lawful purpose and is kept for no longer than is necessary,
- 5.2) That the information will be disposed of securely,
- 5.3) That the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances), and
- 5.4) If it is necessary to release the information to a person in connection with the provision of a service to Council, everything reasonable is done to prevent unauthorised use or disclosure of the information.

**Disposal (archiving and destruction) of Council records is the responsibility of the City Archivist.** All records' recommended for destruction by the City Archivist, are also approved for destruction by the business line manager and the executive manager responsible for the functional area that created the records.

The records' disposal schedule used as the basis for records disposal is GDA10: General Records Disposal Schedule for Local Government Records, issued by State Records NSW and having effect under the State Records Act 1998.

GDA10 is a public document available from State Records NSW.

**Destruction of records which have no residual business or research values, and which are eligible for destruction in accordance with GDA10, is done annually.**

**6. If Council holds personal information about any individual it must take the necessary steps to enable any person to ascertain:**

- 6.1) Whether the Council holds personal information; and
- 6.2) Whether the Council holds personal information relating to that person, and
- 6.3) If Council holds personal information relating to that person:
  - 6.3.1) The nature of that information; and
  - 6.3.2) The main purposes that the information is being used, and
  - 6.3.3) That person's entitlement to gain access to that information.

*Principle 6 may be subject to Freedom of Information provisions.*

**7. Any person will be able to ascertain whether Council holds their personal information by contacting Council in writing, by letter to the General Manager.** Employees should enquire at the Employee Relations Unit to access employee records.

*Principle 7 may be subject to Freedom of Information provisions.*

**8. Any person who is concerned with the inaccuracy or unacceptable use of their personal information kept by Council, may request amendments be made to that information by writing to the General Manager or completing a Freedom of Information Application.** Personal information must be used for the purpose for which it was collected and used for any purpose that is directly related to that purpose, it must be relevant, up to date, complete and not misleading.

*Principle 8 may be subject to Freedom of Information Provisions.*

Council has an obligation to take such steps to amend personal information where necessary. **If Council decides that it will not amend the information, it must add the additional information, so it can be read with the existing information and the individual notified. The individual to whom the information relates is entitled to have the recipients notified of the amendments made by Council. Incorrect records will be physically altered, whether computerised or in hard copy form.** Departmental Managers will approve required changes where applicable.

FOI applications may not be required where mistakes are proven quickly.

**9. Council will take reasonable steps to ensure the accuracy of personal information prior to use, having regard to the purpose it was collected, its proposed use, its relevance, accuracy, whether it is up to date, complete and not misleading, in accordance with Council's Code of Conduct, approved policies and recorded procedures.**

**10. Council will not use personal information for a purpose other than for which it was collected unless:**

- 10.1) The individual to whom the information relates has consented to use the information for that other purpose, or
- 10.2) The other purpose for which the information is used is directly related to the purpose for which it was collected, or
- 10.3) The use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or of another person.

Staff using relevant personal information will not notify individuals for approval to perform usual office functions. Personnel and recruiting records will be discussed with solicitors when the need arises and with administrative staff when necessary without prior approval of individuals. These processes relate to the normal operational functions of Council and any personal information collected will be used for multiple purposes if required for the business of Council.

**It is not Council's practice to release the names and addresses of objectors on development applications or complainants on any issue.**

**11. Council will take reasonable care not to disclose personal information unless:**

- 11.1) The disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object; or
- 11.2) The individual has been made aware that this kind of information is usually released; or
- 11.3) Disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person.

*Section 12 of the Local Government Act overrides the restrictions on disclosure of personal information. Records must be made available for inspection and/or copy, and may be available subject to the public interest test.*

**12. Council will take reasonable care not to disclose personal information that:**

- 12.1) Relates to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- 12.2) Relates to any enquiry from anyone outside the state of New South Wales unless:

12.2.1) A relevant privacy law applies to personal information in force in that jurisdiction, or

12.2.2) The disclosure is permitted under a privacy code of practice (a law determined by the Privacy Commissioner and published in the Government Gazette).

*Section 12 of the Local Government Act overrides the restrictions on disclosure of personal information. Records must be made available for public inspection and/or copy and may be available subject to the public interest test.*

Exempt documents under Section 12(6) Local Government Act may be released under the Freedom of Information Act following the application process and the payment of the scheduled fees. The disclosure of personal information contained on Council files and computer records will be dealt with the provisions of these Acts and where information released may cause personal hardship to a resident or ratepayer. Reasonable care will be taken to ensure appropriate levels of disclosure will be maintained.

## **B. Public Registers** (Part 6 Clauses 57, 58 & 59 PPIP Act)

### Register Provisions

Some Council registers are available to public access at Council offices, during normal office hours.

Council requires that any person who requests information from a public register either applies in writing to the Chief Executive Officer or attends the One Stop Shop during normal office hours. Where a copy of the whole or a substantial part of a public register is requested, the applicant is required to complete a statutory declaration describing the intended use of any information obtained from the inspection. Justices of the Peace at the One Stop Shop may witness signatures on statutory declarations for this purpose.

Council will not provide a copy the whole or a substantial part of a Public Register, unless the personal information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept.

The NSW Local Government Privacy Code of Practice permits a copy to be taken of a single item or one page of a Public Register, without explanation.

### Types of Council Registers

#### **1. Delegations Register**

Public register. Available for inspection, free of charge.

#### **2. Councils Land Register (Section 53 & 54, Local Government Act)**

Public register. Available for inspection, free of charge. Certified copy of classification of public land requires payment of the prescribed fee.

**3. Register of Disclosures of Interest (Section 450A Local Govt Act)**

Public register. Available for inspection, free of charge.

**4. Rate and Charging Record (Section 602, Local Government Act)**

Not a public register. Council will not release the names and addresses of owners to any enquiries.

**5. Companion Animals Register (Companion Animals Act 1998).**

Not a public register. Council will only allow access to council staff or a police officer.

**6. Development Consent Register (Section 100 Environmental Planning and Assessment Act)**

Public register. Available for inspection, free of charge.

**7. Building Certificates Register (Section 149G Environment Planning and Assessment Act)**

Public register. Copies of certificates only available with owners' consent, requires payment of the prescribed fee.

Council requires that during certain circumstances it may be possible to suppress personal information held on registers. A letter addressed to the General Manager stating reasons and any supporting evidence may be required.

**C. Review of Certain Conduct (Internal Review Process) (Part 5 Clauses 52 & 53 PIPP Act)**

Initial Enquiry or Complaint

Any person is entitled to obtain access to any personal information that Council holds about them. They may request alterations be made to their personal details or request information on the way their personal details have been used.

It is important that the initial enquiry or complaint be a formal submission, in the form of a letter addressed to:

The Chief Executive Officer  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001

Where a person has requested information about their personal affairs and has been refused access, is unsatisfied with Council's response or Council's refusal to change a person's personal details, they are entitled to request an Internal Review of the initial complaint or enquiry.

**A person, who has requested information and**

- **is aggrieved by the conduct of Council in the following circumstances:**
  - a) contravention of a privacy principle that applies to Council.
  - b) contravention of a code of practice that applies to Council,
  - c) disclosure of personal information kept on a public register,
- **and has made an initial request** for access to personal information or requested a response concerning Council's actions concerning their personal information,
- **is entitled to apply for an Internal Review.**

An Application for Review must be obtained by completing a **Freedom of Information Internal Review Form** and forwarding it to:

The Freedom of Information Officer  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001

Review Process

- 1. On receipt of the request for review, a copy will be forwarded to the Privacy Commissioner. The Privacy Commissioner will be informed of progress and the outcome of the review.**

The application must be lodged 6 months from the time the applicant first became aware of the conduct (the subject of the application).

At all times the contents of the review will be kept confidential in accordance with Council's Code of Conduct.

- 2. The application will be dealt with by General Counsel, who will consider any relevant material submitted by either the applicant or the Privacy Commissioner.**

The review will be completed as soon as reasonably practicable within 60 days from receipt of the application for review.

**3. Following completion of the review, Council will do one or more of the following:**

- a) take no further action on the matter,
- b) make a formal apology to the applicant,
- c) take appropriate remedial action,
- d) provide undertakings that the conduct will not occur again,
- e) implement administrative measures to ensure that the conduct will not occur again.

**4. As soon as practicable within 14 days of the completion of the review, Council will notify the applicant in writing of:**

- i) the findings and the reasons for those findings;
- ii) any proposed actions to be
- iii) the right of the applicant to have those findings and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

**D. Training & Education**

Council's Freedom of Information Officer will provide advice to staff when required. This Privacy Document will be distributed during Council's Staff Induction Program.

The Privacy Document will be circulated to staff in hard copy form and / or via e-mail. The Public may obtain a copy from Council's Internet web site and from any of our "One Stop Shops" or Neighbourhood Service Centres or Libraries located in the City of Sydney Council area.

This Privacy Management Plan will be reviewed on a 6 monthly basis by Council's Senior Freedom of Information & Corporate Reporting Coordinator. The plans effectiveness will be assessed and this will lead to any necessary changes.

The FOI Co-ordinators & Privacy Network Meetings are regularly attended.

**Further Information**

For assistance in understanding the processes associated with the Privacy & Personal Information Protection Act, please contact the following:

**The Freedom of Information Officer on phone 9246 7503**

Or

**The NSW Privacy Commissioners Office on phone 9268 5588  
or fax 9268 5501.**