

# City of Sydney Privacy Management Plan

City of Sydney  
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## Introduction

This Privacy Management Plan (Plan) explains how the City of Sydney Council (City) will manage personal and health information.

### **Why the City has a privacy management plan**

This Plan explains how the City will manage personal information in line with the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) and health information in accordance with the *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act). The City is required to have a Plan under s33 of the PIIP Act.

This Plan also explains how to contact the City about the personal and health information it holds, how information can be accessed and amended and how privacy complaints are handled.

### **What this Plan covers**

Section 33(2) of the PIIP Act sets out the requirements of this Plan. This Plan must include:

- information about the City's policies and practices to ensure compliance with the PIIP Act and the HRIP Act;
- how staff and contractors are made aware of these policies and practices;
- the internal review procedures; and
- anything else considered relevant to the Plan in relation to privacy and the personal and health information the City holds.

Any reference to staff in this document also includes reference to contractors.

### **When this plan will be reviewed**

This Plan will be reviewed every 12 months. It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by the City.

## About the City

The City of Sydney Council has responsibilities under the Local Government Act and other Commonwealth and NSW laws including the Environmental Planning and Assessment Act, the Public Health Act and the Companion Animals Act.

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.

More detailed information is available on the City's [website](#).

### City of Sydney Functions

Under the Local Government Act, the City's charter requires it:

- To provide for development in the local area
- To provide for local services and facilities that benefit ratepayers, residents and visitors
- To promote and to provide and plan for the needs of children
- To protect health and provide for the welfare, wellbeing and interests of the local community
- To represent and promote the interests of ratepayers and residents
- To establish and support organisations and programs targeting the local community
- To protect the environment and improve local amenity
- To attract and provide infrastructure for commerce, tourism and industry
- To engage in long-term strategic planning on behalf of the local community

# How the City manages personal and health information

## About personal information

Personal information is defined in section 4 of the PPIP Act as any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained.

There are some kinds of information that are not personal information. This includes information about someone who has been dead for more than 30 years, information about someone that is contained in a publicly available publication, or information or an opinion about a person's suitability for employment as a public sector official.

## About health information

Health information is a more specific type of personal information and is defined in section 6 of the HRIP Act. Health information can include information about a person's physical or mental health such as a psychological report, blood test or an x-ray, and information about a person's medical appointments. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.

In this section, a reference to personal information is also a reference to health information.

## How the City collects personal information

The City collects personal information to enable it to conduct its functions. The City assesses the level of personal information that is appropriate to be collected on a case-by-case basis.

Personal information may be collected from:

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

Contractors acting on the City's behalf may also collect personal information. The City includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

The City has a range of functions requiring or involving the collection of personal information, including:

- levying and collecting rates;
- providing services, for example, child care, libraries 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; and
- providing funding grants.

Personal information may be collected by the City in any of the following ways:

- incident reports;
- submissions;
- application forms;
- CCTV footage;
- public registers;
- financial transaction records; and
- contracts.

Personal information may be collected electronically, in writing, over the telephone and in person.

### **Personal information provided to the City**

Individuals may provide the City with personal information when they make enquiries and when the City delivers services to them. This can include names, contact details, opinions, health conditions, family relationships, housing or tenancy information, work and education details. Individuals may also provide the City with personal information about other people.

### **Privacy Protection Notice**

Under section 10 of the *Privacy and Personal Information Protection Act 1998* (PPIPA), when the City collects personal information from an individual, such as their name, address, telephone number or email address, the City must make the individual aware of:

- 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 for the individual if the information (or any part of it) is not provided;
- ways the individual can access and correct the information; and
- the name and address of the unit that is collecting the information and the unit that is to hold the information.

To ensure the City complies with the PPIPA a **Privacy Protection Notice** will be included on all forms, letters and documents that collect personal information from individuals. The City's Privacy Protection Notice appears below:

### **PRIVACY PROTECTION NOTICE**

**Purpose of collection:** *the purposes for which the information is being collected*

**Intended recipients:** *to whom (including business units or organisations) the information will be disclosed*

**Supply:** *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*

**Access/ Correction:** *how the individual can access and correct the information*

**Storage:** *the name and address of the business unit that is collecting the information and the business unit that is storing the information*

The Privacy Protection Notice will be included on all standard City forms and is completed and included on any document requesting personal information from individuals.

When the City gathers personal information via the telephone or other electronic means, such as a website, this information will also be provided to them.

### **Storage, access and accuracy of personal information**

Personal information is stored electronically and in physical files.

The following applies to information the City holds:

- only City staff can access personal information;
- staff will make every effort to ensure personal information is accurate before using it;
- staff will use personal information only for the purpose for which it was collected; and
- staff will not disclose personal information about a person to anyone without the consent of the person, or if legally required or permitted to disclose information.

Electronic information is stored on secure information systems. Networks will be secure and require individual logins. New systems are assessed for compliance with the PPIP Act and HRIP Act.

### **Use and disclosure of personal information**

Staff will use the personal information collected to:

- deliver services;
- conduct research;
- provide advice; and
- continually improve services.

## Public registers

The PPIP Act governs how the City 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. Enquiries about public registers can be made via the City's [website](#).

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

The City's public registers include:

- Land register
- Register of disclosures of interest
- Register of development consents
- Register of planning agreements
- Contributions register
- Record of building certificates
- Public record of licences
- Record of impounding.

### 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.

The City 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 the Chief Executive Officer.



## How to access and amend personal and health information

The PPIP Act and the HRIP Act give people the right to access and amend their own information.

Members of the public wishing to access or amend personal and health information the City holds about them should contact the City's [Customer Service Centre](#). The City does not charge a fee to access and amend personal and health information.

### Limits on accessing or amending information

The City is prohibited from providing one person access to another person's personal and health information. However:

- under section 26 of the PPIP Act, a person can give the City consent to disclose their personal information to someone that would not normally have access to it;
- under sections 7 and 8 of the HRIP Act, an "authorised person" can act on behalf of someone else; and
- the City may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

# Review rights and complaints

## Internal review

Individuals have the right to seek an internal review under Part 5 of the PPIP Act if they think that the City 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.

## Internal review process

Applications for an internal review must be made within **six months** from the date when the applicant first became aware of the breach. Applications must be made in writing and addressed to the City's Privacy Contact Officer.

The Privacy Contact Officer will conduct the internal review unless the internal review is about the conduct of the Privacy Contact Officer. In this case the Director Legal and Governance will appoint another person to conduct the internal review.

The City will:

- acknowledge receipt of an internal review within **5 working days**;
- complete an internal review within **60 calendar days**.

The City's Privacy Contact Officer will inform the applicant of the progress of the internal review and will respond in writing within **14 calendar days** of determining the internal review.

If an applicant is not notified of the outcome of an internal review within 60 days, the applicant may seek an external review.

## The Privacy Commissioner's role in internal reviews

The City will notify the Privacy Commissioner of internal reviews. The Privacy Commissioner is entitled to make submissions to the City regarding internal reviews.

## External review by the Administrative Decisions Tribunal

An applicant may seek an external review by the Administrative Decisions Tribunal (ADT).

To seek an external review, an application must be made to the ADT within **28 days** from the date of the internal review determination.

## Other ways to resolve privacy concerns

The City encourages the informal resolution of privacy issues before undertaking the review process. Issues can be raised informally with the City by using [this form](#).

## Promoting privacy

The City reinforces compliance with the PPIP Act and HRIP Act and will:

- endorse this Plan and making it publicly available;
- provide a copy of this Plan to relevant oversight bodies such as the Audit, Risk and Compliance Committee;
- report on internal reviews to the Office of the Information and Privacy Commission; and
- identify privacy issues when implementing new systems, services and processes.

### Staff awareness

The City will ensure that its staff are aware of and understand this Plan and how it applies to the work they do.

The City will promote awareness of privacy obligations among staff by:

- publishing the City's Privacy Management Plan and privacy-related policies on the City's intranet and website;
- publishing information about privacy on the City's intranet;
- communicating regularly with staff about privacy;
- ensuring City policies comply with privacy legislation;
- including the Plan in induction packs; and
- offering training and advice to staff.

### Public awareness

This Plan provides information to members of the public about how the City manages personal and health information. The Plan is publicly available as open access information under the GIPA Act [here](#).

The City will promote public awareness of the City's Privacy Management Plan by:

- publishing the Plan on the City's [website](#);
- providing hard copies of the Plan free of charge on request;
- translating the Plan into other languages and alternative formats on request; and
- informing people about the Plan when responding to enquiries about personal and health information.

## Privacy and other legislation

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

### The Privacy and Personal Information Protection Act

The PPIP Act sets out how the City must manage **personal** information.

#### About personal information

Personal information is defined in section 4 of the PPIP Act as any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained.

#### 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.

#### Information protection principles (IPPs)

Part 2, Division 1 of the PPIP Act contains 12 IPPs the City must comply with. These are:

##### Collection

The City will:

1. collect personal information only for a lawful purpose that is directly related to the City's functions and activities;
2. collect personal information directly from the person concerned;
3. inform people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. Also how the personal information can be accessed and amended and any possible consequences of not providing personal information;
4. ensure that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs.

##### Storage

5. The City will store personal information securely, keeps it no longer than necessary and destroys it appropriately. Personal information will be protected from unauthorised access, use or disclosure.

##### Access and accuracy

The City will:

6. be transparent about the personal information it holds, why it is used and about the right to access and amend it;

7. allow people to access their own personal information without unreasonable delay or expense;
8. allow people to update, correct or amend their personal information where it is necessary;
9. endeavor to ensure that personal information is relevant and accurate before using it.

### **Use**

10. The City will only use personal information for the purpose it was collected for unless it has consent for its use for another purpose.

### **Disclosure**

The City:

11. will not disclose personal information without consent, unless disclosure is permitted under the PPIPA or other legislation;
12. will not disclose sensitive personal information without consent, eg ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership.

### **Offences**

Offences can be found in s62-68 of the PPIP Act. It is an offence for the City to:

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

## The Health Records and Information Privacy Act

The HRIP Act sets out how the City must manage **health** information.

### About health information

Health information is a more specific type of personal information and is defined in section 6 of the HRIP Act. Health information can include information about a person's physical or mental health such as a psychological report, blood test or an x-ray, and information about a person's medical appointments. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.

### Health privacy principles (HPPs)

Schedule 1 of the HRIP Act contains 15 HPPs that the City must comply with. These are:

#### Collection

The City will:

1. collect health information only for a lawful purpose that is directly related to the City's functions and activities;
2. ensure that health information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs;
3. collect health information directly from the person concerned;
4. inform people why their health information is being collected, what it will be used for, and to whom it will be disclosed. Also how it can be accessed and amended and any possible consequences not providing health information.

#### Storage

5. The City will store health information securely, keep it no longer than necessary and destroy it appropriately. Health information will be protected from unauthorised access, use or disclosure.

#### Access and accuracy

The City will:

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

#### Use

10. The City will only use health information for the purpose it was collected for unless it has consent for its use for another purpose.

#### Disclosure

11. The City will not disclose personal information without consent, unless disclosure is permitted under the HRIPA or other legislation;

#### Identifiers and anonymity

The City:

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

### **Transfers and linkage**

The City:

14. does not usually transfer health information outside of NSW;
15. does not currently use a health records linkage system.

### **Offences**

Offences can be found in s68-70 of the HRIP Act. It is an offence for the City to:

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

## Other relevant laws

This section contains information about other relevant legislation.

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

Under this Act and Regulation people can apply for access to information held by the City. This information may include personal or health information.

### ***Independent Commission Against Corruption Act 1988***

Under this Act the City must provide information to the Independent Commission Against Corruption about allegations of fraud and corruption that may contain personal information.

### ***Public Interest Disclosures Act 1994 (PID Act)***

Under the PID Act people working for a NSW public sector agency can make a public interest disclosure to the City.

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 2010***

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.

### **Referrals to external agencies under other relevant legislation**

Under the *Ombudsman Act*, the *Independent Commission Against Corruption Act*, and the *Crimes Act* the City can provide information to the:

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



## Exemptions, directions and codes of practice

### Exemptions to the Information Protection Principles (IPPs)

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

- the City is not required to comply with IPPs 2-3, 6-8, or 10-12 if lawfully authorised or required not to do so;
- the City is not required to comply with IPP 2 if the information concerned is collected in relation to court or tribunal proceedings.

### Exemptions to the Health Privacy Principles (HPPs)

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

### Public interest directions

Under section 41 of the PPIP Act, the Privacy Commissioner has made Public Interest Directions to waive or modify the requirement for a public sector agency to comply with an IPP.

The following public interest directions may permit the City:

- to be exempt from IPPs 2-3, 6-8, 10-12 in relation to the conduct of investigations;
- to be exempt from the IPPs when transferring enquiries to another NSW public sector agency;
- to disclose personal information collected for research purposes.

### Privacy codes of practice

The City has adopted the Privacy Code of Practice for Local Government as prepared by the Office of the Privacy Commissioner and the Health Records and Information Privacy Code of Practice 2005.

Under the Privacy Code of Practice for Local Government where it is reasonably necessary, the City 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 the City to use personal information for a purpose other than the purpose for which it was collected where the use is in pursuance of the City's lawful and proper functions and the personal information is reasonably necessary for the exercise of those functions. In general, the City does not use personal information for a purpose other than which it was collected without the consent of the individual.

## Contact details

Further information about the City's Privacy Management Plan, or the personal and health information the City holds can be obtained by completing [this form](#) or:

**Telephone:** 02 9265 9333

Hearing/speech impaired:

- 133677 TTY/voice calls
- 1800 555 677 Speak & Listen

**Fax:** 02 9265 9222

**Email:** [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

### Street address

Level 2,  
Town Hall House  
456 Kent Street  
Sydney NSW 2000

### Postal address

City of Sydney  
GPO Box 1591  
Sydney  
NSW 2001

Contact details for the Office of the Information and Privacy Commissioner are: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au), telephone: 1800 472 679.

Contact details for the NSW Administrative Decisions Tribunal are:

**Telephone:** 02 9377 5711

### Street/Postal address:

Level 10  
John Maddison Tower  
86-90 Goulburn Street  
Sydney NSW 2000