



LISMORE CITY COUNCIL PRIVACY MANAGEMENT PLAN

www.lismore.nsw.gov.au

43 Oliver Avenue, Goonellabah NSW 2480 • PO Box 23A, Lismore NSW 2480 • T: 1300 87 83 87 • E: council@lismore.nsw.gov.au • ABN: 60080932837

Lismore City Council acknowledges the people of the Bundjalung Nation, traditional custodians of the land on which we work.



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Introduction

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

Why the Lismore City Council has a privacy management plan

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

This Plan also explains how to contact the Lismore City Council 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 PPIP Act sets out the requirements of this Plan. This Plan must include:

- information about the Lismore City Council's policies and practices to ensure compliance with the PPIP 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 Lismore City Council 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 Lismore City Council.



About the Lismore City Council

The Lismore City 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; and
- Ensure that local public services and facilities respond effectively to community needs.

More detailed information is available on the Lismore City Council's website

<https://www.lismore.nsw.gov.au>.

Lismore City Council Functions

Under the Local Government Act, the Lismore City Council'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; and
- To engage in long-term strategic planning on behalf of the local community.



How the Lismore City Council 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 Lismore City Council collects personal information

The Lismore City Council collects personal information to enable it to conduct its functions. The Lismore City Council 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 Lismore City Council's behalf may also collect personal information. The Lismore City Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

The Lismore City Council 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 Lismore City Council 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 Lismore City Council

Individuals may provide the Lismore City Council with personal information when they make enquiries and when the Lismore City Council 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 Lismore City Council with personal information about other people.

Privacy Protection Notice

Under section 10 of the *Privacy and Personal Information Protection Act 1998* (PPIPA), when the Lismore City Council collects personal information from an individual, such as their name, address, telephone number or email address, the Lismore City Council 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 Lismore City Council complies with the PPIPA a **Privacy Protection Notice** will be included on all forms, letters and documents that collect personal information from individuals. The Lismore City Council'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 Lismore City Council forms and is completed and included on any document requesting personal information from individuals.

When the Lismore City Council 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 Lismore City Council holds:

- only Lismore City Council 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 Lismore City 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. Enquiries about public registers can be made via the Lismore City Council's website <https://www.lismore.nsw.gov.au>.

Part 6 of the PPIP Act prevents Lismore City Council 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 Lismore City Council'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; and
- 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 Lismore City 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 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 Lismore City Council holds about them should contact the Lismore City Council's Customer Contact Centre. The Lismore City Council does not charge a fee to access and amend personal and health information.

Limits on accessing or amending information

The Lismore City Council 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 Lismore City Council 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 Lismore City Council may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.



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 Lismore City 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.

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 Lismore City Council'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 Lismore City Council will:

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

The Lismore City Council'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 Lismore City Council will notify the Privacy Commissioner of internal reviews. The Privacy Commissioner is entitled to make submissions to the Lismore City Council 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 Lismore City Council encourages the informal resolution of privacy issues before undertaking the review process. Issues can be raised informally with the Lismore City Council via <https://www.lismore.nsw.gov.au>



Promoting privacy

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

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

- publishing the Lismore City Council's Privacy Management Plan and privacy-related policies on the Lismore City Council's intranet and website;
- publishing information about privacy on the Lismore City Council's intranet;
- communicating regularly with staff about privacy;
- ensuring Lismore City Council 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 Lismore City Council manages personal and health information. The Plan is publicly available as open access information under the GIPA Act on the Lismore City Council's website <https://www.lismore.nsw.gov.au>.

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

- publishing the Plan on the Lismore City Council's website <https://www.lismore.nsw.gov.au> ;
- 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 Lismore City Council 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 Lismore City Council 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; and
- 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 Lismore City Council must comply with. These are:

Collection

The Lismore City Council will:

1. collect personal information only for a lawful purpose that is directly related to the Lismore City Council'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 Lismore City Council 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 Lismore City Council 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 Lismore City Council will only use personal information for the purpose it was collected for unless it has consent for its use for another purpose.

Disclosure

The Lismore City Council:

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, e.g. 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 PPIPA Act. It is an offence for the Lismore City Council to:

- intentionally disclose or use personal information for an unauthorised purpose;
- offer to supply personal information that has been disclosed unlawfully; and
- 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 Lismore City Council 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 Lismore City Council must comply with. These are:

Collection

The Lismore City Council will:

1. collect health information only for a lawful purpose that is directly related to the Lismore City Council'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 Lismore City Council 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 Lismore City Council 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 Lismore City Council 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 Lismore City Council will not disclose personal information without consent, unless disclosure is permitted under the HRIPA or other legislation;



Identifiers and anonymity

The Lismore City Council:

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

Transfers and linkage

The Lismore City Council:

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 Lismore City Council 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 Lismore City Council. This information may include personal or health information.

Independent Commission against Corruption Act 1988

Under this Act the Lismore City Council 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 Lismore City 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 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 Lismore City Council 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 Lismore City Council not to comply with IPPs in certain situations. These include the following:

- the Lismore City Council is not required to comply with IPPs 2-3, 6-8, or 10-12 if lawfully authorised or required not to do so; and
- the Lismore City Council 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 Lismore City Council not to comply with HPPs in certain situations. For example, the Lismore City Council 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 Lismore City Council:

- 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; and
- to disclose personal information collected for research purposes.

Privacy codes of practice

The Lismore City Council 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 Lismore City 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 the Lismore City Council to use personal information for a purpose other than the purpose for which it was collected where the use is in pursuance of the Lismore City Council's lawful and proper functions and the personal information is reasonably necessary for the exercise of those functions. In general, the Lismore City Council 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 Lismore City Council's Privacy Management Plan, or the personal and health information the Lismore City Council holds can be obtained by contacting Lismore City Council on:

Telephone: 1300 87 83 87

Email: council@Lismore.nsw.gov.au

Website: <https://www.lismore.nsw.gov.au>

Street address

43 Oliver Avenue Goonellabah
NSW 2480

Postal address Lismore City Council

PO Box 23A
Lismore NSW 2480

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

Contact details for the NSW Administrative Decisions Tribunal are:

Telephone: 1300 006 228

Street/Postal address:

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