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# Privacy Management Plan 2020

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E2020/5151	5/01/22	Policy document reviewed, no changes made
E2020/5151	3/01/23	Policy document reviewed, no changes made
E2020/5151	31/10/23	Update to include how Council responds to unauthorised disclosure of information

Related Legislation <sup>1</sup>	<ul style="list-style-type: none"> <li>Local Government Act 1993 (NSW)</li> <li>Local Government (General) Regulation 2005 (NSW)</li> <li>Privacy and Personal Information Protection Act 1998 (NSW);</li> <li>Privacy Act 1988 (Cth) (for Tax File Numbers);</li> <li>Health Records and Information Privacy Act 2002 (NSW);</li> <li>Government Information (Public Access) Act 2009 No 52 (NSW)</li> <li>Data Sharing (Government Sector) Act 2015 (NSW)</li> <li>Workplace Surveillance Act 2005 (NSW)</li> </ul>
Related Policies	<ul style="list-style-type: none"> <li>Data Breach Policy</li> <li>Risk management Policy</li> </ul>
Related Procedures/ Protocols, Statements, documents	<ul style="list-style-type: none"> <li>Strategy for Information Management and Information Technology</li> <li>Council Information Security Standards</li> <li>Cyber Security Incident Response Plan</li> </ul>

<sup>1</sup> Note: Any reference to Legislation will be updated in the Strategy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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### 2.1 PURPOSE

The purpose of this Plan is to provide information about how Byron Shire Council (BSC) collects, stores, access and, discloses personal information and health information in accordance with the:

- *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) and Information Protection Principles (IPP);
- *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act) and Health Privacy Principles (HPP);
- GIPA Act and;
- [Privacy Code of Practice for Local Government](#).

Under section 33 of PPIP Act, BSC is required to prepare a Privacy Management Plan. This Plan forms a part of BSC's Governance Framework.

### 2.2 SCOPE

This Plan applies to Councillors, BSC employees (including volunteers), consultants and contractors to BSC, including BSC committee members when dealing with personal information or health information.

### 2.3 PRINCIPLES

In addition to the principles set out in the PPIP Act, BSC commits itself to the following actions under its Information Management and Information Technology (IM & IT) Strategy:

- **Accountability and transparency** - The Plan provides a framework for BSC to fulfil its obligations regarding the handling of personal and health information.
- **Open and accessible** government information as well as a commitment to the protection of privacy.
- BSC will ensure it meets the highest level of public disclosure regarding all dealings with BSC Officials while also meeting its obligations under the relevant privacy legislation and BSC's Privacy Management Plan.
- **Transparency** - people should have access to the information they need to understand government planning and decision-making processes in order to participate in an informed way.

### 2.4 PRIVACY, HEALTH AND GIPA ACTS

The PPIP Act provides for the protection of personal information and for the protection of the privacy of individuals. The GIPA Act sets out how members of the public can access information held by BSC, including their personal information and the personal information of others. The definition of personal information is different under each Act. When BSC responds to a request for

access to personal information, BSC must ensure that it discloses information in accordance with the relevant Act.

BSC primarily holds personal information about individuals so it can perform its functions as local government authority.

In this Privacy Management Plan, a reference to personal information is also a reference to health information.

## 2.5 FURTHER INFORMATION

For further information regarding the principals set out in the PPIT act , you can contact the NSW Information and Privacy Commission (IPC) for advice.

Information and Privacy Commission:

Post: GPO Box 7011, Sydney NSW 2001

Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Phone: 1800 472 679

### 3.1 WHAT IS PERSONAL INFORMATION?

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

- information or an opinion;
- about an individual; and
- where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion.

Personal information can include information in a database and does not have to be recorded in a hard copy document.

Personal information does not include:

- information about an individual that is contained in a publicly available publication such as:
  - a) personal information in a newspaper, magazine or book that is distributed broadly to the public;
  - b) personal information on the internet; and
  - c) personal information in BSC business papers that are available to the public;
- information or an opinion about an individual's suitability for appointment or employment as a public sector official; and
- information about an individual who has been dead for more than 30 years.

In this section, a reference to personal information is also a reference to health information under Section 5 and 6 of HRIP Act.

(For more information, see [section 4 of PPIP Act](#))

### 3.2 WHAT IS HEALTH INFORMATION?

Personal information is also defined under section 5 of the HRIP Act as:

- information or an opinion;
- about an individual; and
- where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion.

Health information is a specific type of personal information as defined under section 6 of the HPP Act as:

- personal information that is information or an opinion about the physical or mental health or a disability (at any time) of an individual.

(For more information, see [section 6 of HRIP Act](#))

### 3.3 WHAT TYPES OF PERSONAL INFORMATION ARE HELD BY BSC?

BSC holds personal information about **customers, ratepayers, residents and other third parties**.

For example, personal information may be contained in the following records:

- rates records and records of property ownership;
- development applications and submissions;
- road closure applications;
- rezoning applications;
- residential parking permit applications (including health information to support a disabled permit application);
- complaints made to BSC;
- membership applications for the Art Gallery, Library, Museum and BSC events;
- children's attendance lists at BSC owned childcare centre and other BSC facilities;
- right of burial transfer database (BSC cemetery);
- petitions;
- booking systems for community halls, BSC parks and other facilities; and
- Insurance claims (various types of health information).

BSC holds personal information about its **employees**. For example, personal information may be contained in the following records:

- payroll database (contact information, leave, salary);
- performance management plans;
- complaints, investigations and disciplinary matters files;
- pecuniary interest returns; and
- medical certificates and workers compensation claim records (various types of health information).

BSC holds personal information about its **Councillors**. For example, personal information may be contained in the following records:

- complaints, investigations and disciplinary matters files;
- pecuniary interest returns; and
- creditors



#### 4.1 GENERAL MANAGER

The General Manager (GM) is responsible for:

- Ensuring this Plan is accurate and up to date.
- Ensuring BSC meets its obligations under the PIPP Act, HIRP Act and this Plan.
- Appointing a Privacy Contact Officer and Privacy Champions.

#### 4.2 PRIVACY CONTACT OFFICER

BSC's Privacy Contact Officer is Manager Business Systems and Technology.

The Privacy Contact Officer is responsible for:

- Assisting the GM to perform the GM's role under the PIPP Act, HIRP Act and this Plan.
- Creating awareness about this Plan.
- Coordinating steps to ensure BSC complies with the PPIP Act and HIRP Act.
- Coordinating requests for the suppression of personal information.
- Coordinating requests for internal reviews, including liaising with the Privacy Commissioner regarding internal reviews.
- Providing advice on matters relating to privacy and personal information.

#### 4.3 BSC OFFICERS AND COUNCILLORS

BSC Officers and Councillors are responsible for:

- Collecting, storing, accessing and disclosing personal information in accordance with this Plan and clauses relating to personal information contained in BSC's Code of Conduct.
- Maintaining the integrity and security of confidential information in accordance with the clauses relating to confidential information contained in BSC's Code of Conduct.
- Always including privacy disclaimers when collecting personal information.

#### 4.4 AWARENESS AND TRAINING FOR BSC OFFICERS AND COUNCILLORS

Relevant BSC Officers and Councillors will be made aware of this Plan and their obligations:

- at induction; and
- through an ongoing awareness program including published material via the Council intranet and Councillor e-news bulletin

#### 4.5 VOLUNTEERS, CONSULTANTS AND CONTRACTORS TO BSC, INCLUDING BSC COMMITTEE MEMBERS

Volunteers, consultants and contractors to BSC (including BSC committee members) will be made aware of this Plan and their obligations:

- at induction or as part of their contract with BSC

#### 4.6 COMMUNITY AWARENESS

Factsheets published by the Information and Privacy Commission provide information for the community about the IPP and HPP:

- [The Information Protection Principles \(IPPs\) explained for members of the public](#); and
- [The Health Privacy Principles \(HPPs\) explained for members of the public](#).

These factsheets above are available to members of the public at the [NSW Information and Privacy Commission website](#).

## 5.1 WHAT IS A PUBLIC REGISTER?

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

## 5.2 WHAT PUBLIC REGISTERS ARE HELD BY BSC?

The following table provides details of the public registers held by BSC:

Act / Regulation	Section	Purpose	Contact
<b>Local Government Act</b>	53 Land Register	Identify land vested in BSC or under BSC's control	Register can be accessed on BSC's website Contact Customer Services
	113 Record of Approvals	Identify approvals granted under the Act	Register can be accessed on BSC's website Contact Customer Service OR Regulatory, Planning & Assessment
	328A Political donations disclosures	Identify donations to Councillors	Register can be accessed via BSC's website
	449-450A Register of Pecuniary Interests	Identify pecuniary interest of Councillors and designated persons	Contact Customer Services OR Legal
<b>Environmental Planning and Assessment Act</b>	100 Register of Consents and Approvals	Identify approvals, consents and related appeals under the Act	Register can be accessed on BSC's website Contact Customer Services OR Regulatory, Planning & Assessment
	149G Record of Building Certificates	Identify building certificates	Contact Customer Services OR Regulatory, Planning & Assessment
<b>Protection of the Environment Operations Act</b>	308 Public register of licences	Identify licences granted under the Act	Contact Customer Services OR Regulatory, Planning & Assessment
<b>Impounding Act</b>	30 & 31 Record of Impounding	Identify impounding action by BSC	Contact Customer Services OR Regulatory, Planning & Assessment

### 5.3 WHAT OTHER REGISTERS ARE HELD BY BSC?

The following table provides details of other registers held by BSC:

Act / Regulation	Act / Regulation		Purpose	Access
Environmental Planning & Assessment Regulation	121	Register of Modification of Development Consent	Identify modifications to development consents under section 95 of the Act	Register can be accessed on BSC's website Contact Customer Services OR Regulatory, Planning & Assessment
Government Information (Public Access) Act	6(5)	Record of Open Access Information	Identify BSC information that has been determined as 'open access information'	Register can be accessed on BSC's website Contact Customer Services OR Legal and Information Officer
	25	Disclosure Log of Access Applications	Identify access applications where there is a public interest and BSC has determined to provide access to the information	Register can be accessed on BSC's website Contact Customer Service / Legal and Information Officer
	27	Register of Government Contracts	Identify BSC contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed on BSC's website Contact Customer Services OR Legal and Information Officer
Local Government Act	377-378	Register of Delegations	Identify functions delegated by the GM to BSC Officers	Register can be accessed by informal request under the GIPA Act. Contact Legal and Information Officer
	602	Rates Record	In relation to a parcel of land, identify: <ul style="list-style-type: none"> <li>• the value</li> <li>• rate liability the owner or lessee</li> </ul>	Register can be accessed by informal request under the GIPA Act. Contact Customer Services OR Finance

#### 5.4 HOW CAN PERSONAL INFORMATION HELD IN REGISTERS BE ACCESSED?

As required by Section 57 of the PPIP Act, before disclosing personal information contained in a register, BSC must be satisfied that the individual requesting access to the personal information intends to use the information for a purpose related to the purpose of the register or the Act under which the register is kept.

An individual may request access to personal information contained in a register by:

- contacting the relevant area of BSC; and
- completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which BSC holds that public register (refer to the tables above for the purpose of registers). An example statutory declaration is provided at **Annexure A**.

BSC can determine whether to provide a copy of the whole or part of a register depending on whether such a disclosure fits with the purpose for which it was collected.

If access is requested to personal information which is not contained in a public register, then BSC must be satisfied that there is no overriding public interest against disclosure of that personal information under the GIPA Act.

6.1 HOW DOES BSC COLLECT PERSONAL INFORMATION?

BSC must collect personal information in accordance with the PPIP Act, HRIP Act, IPP (Information privacy Principles) and HPP (Health Privacy Principles). The following table summarises these requirements:

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
<b>IPP 1 and HPP 1</b>	<b>Lawful</b> - Personal information must be collected for a lawful purpose which is directly related to BSC’s functions or activities and necessary for that purpose.	N/A	<b>Lawful</b> - Health information must be collected for a lawful purpose which is directly related to BSC’s functions or activities and necessary for that purpose.
<b>IPP 2 and HPP 2</b>	<b>Direct</b> - Personal information must be collected directly from the individual concerned unless it is unreasonable or impractical to do so.  An individual may authorise the collection of their person information from someone else.	Personal information can be collected by BSC indirectly if: <ul style="list-style-type: none"> <li>• reasonably necessary when an award, prize, or similar form of recognition is intended to be conferred upon the person to whom the information relates</li> <li>• statutory exemptions apply</li> <li>• unsolicited information is provided</li> </ul>	<b>Relevant</b> - Health information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s personal affairs.
<b>IPP 3 and HPP 3</b>	<b>Open</b> - An individual must be informed as to why their personal information is being collected, what BSC will do with it, and who may have access to it, whether supply is required by law, and any rights of access to the information.	Personal information can be collected by BSC if: <ul style="list-style-type: none"> <li>• necessary when an award, prize or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates without prior or subsequent notification</li> <li>• statutory exemptions apply</li> <li>• unsolicited information is provided</li> </ul>	<b>Direct</b> - Health information must be collected directly from the individual concerned unless it is unreasonable to do so.
<b>IPP 4 and HPP 4</b>	<b>Relevant</b> - Personal information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the	Exemption to collection of personal information where BSC uses CCTV cameras for the purpose of filming public places	<b>Awareness</b> —An individual must be informed as to why their health information is being collected, what BSC will do with it, and who may have access to it.  If health information is collected about an

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
	individual's personal affairs.		individual from someone else, reasonable steps must be taken to ensure that the individual has been notified as above, unless making the individual aware would impose a serious threat.

## 6.2 PRIVACY DISCLAIMERS

Wherever practicable, a privacy disclaimer will be included on any forms when BSC collects personal information, whether in hard copy form or online.

The privacy disclaimer aims to advise an individual about BSC's purpose for collecting this information, whether the personal information is required to be supplied to BSC, how it will be stored and how it can be accessed by an individual. An example privacy disclaimer is provided at **Annexure C**.

## 6.3 UNSOLICITED INFORMATION

Where BSC receives unsolicited personal or health information, the information will be treated in accordance with this Plan and the applicable IPP and HPP relating to storage, access, use and disclosure of information.

The IPP and HPP relating to collection do not apply to unsolicited information.

7.1 HOW DOES BSC STORE PERSONAL INFORMATION?

BSC must store personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

	PPIP Act	Privacy Code of Practice For Local Government (PPIP Act)	HRIP Act
IPP 5 and HPP 5	<p><b>Secure</b> – Personal information must be stored securely, not kept any longer than is required by the General Retention and Disposal Authority of NSW, and be disposed appropriately.</p> <p>BSC will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>	N/A	<p><b>Secure</b> – Health information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>BSC will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>



## 8.1 HOW DOES BSC PROVIDE ACCESS TO, AND ENSURE THE ACCURACY OF, PERSONAL INFORMATION?

BSC must provide access to, and ensure the accuracy of, personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
IPP 6 and HPP 6	<b>Transparent</b> - Enough detail must be given about what personal information is stored, why it is stored, and what rights an individual has to access it.  NOTE - Exemption/s apply	N/A	<b>Transparent</b> - BSC must advise individuals what health information is being stored, the reasons it is being used and any rights they have to access it.
IPP 7 and HPP 7	<b>Accessible</b> - BSC must allow an individual access to their personal information without unreasonable delay or expense.	N/A	<b>Accessible</b> - BSC must, of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.
IPP 8 and HPP 8	<b>Correct</b> - At the request of the individual to whom the information relates, BSC must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date and not misleading.	N/A	<b>Correct</b> - At the request of the individual to whom the information relates, BSC must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date and not misleading.
HPP 9	<b>Accurate</b> - BSC must take reasonable steps to ensure that the personal information is relevant, accurate, up to date and complete before using it.		<b>Accurate</b> - BSC must ensure that the health information held is relevant and accurate before using it.

## 8.2 HOW CAN AN INDIVIDUAL ACCESS THEIR PERSONAL INFORMATION?

BSC will provide individuals with access to documents containing their personal information provided the individual can confirm their identity by producing one of the following pieces of identification:

- Driver's license

- Passport
- Birth certificate or birth extract
- Pension card or health care card issued by Centrelink
- Medicare card
- Student photo identification card (issued by an Australian tertiary education Institution)
- Bank statement
- Rates notice

### 8.3 HOW CAN AN INDIVIDUAL REQUEST THAT THEIR PERSONAL INFORMATION IS SUPPRESSED?

An individual may request to have their personal information suppressed from any document or record held by BSC.

The request must:

- Be in writing addressed to:
- The Privacy Contact Officer Byron Shire Council
- PO Box 219
- Mullumbimby NSW 2482
- Provide reasons as to why the safety or well-being of any person would be affected if the personal information is not suppressed.
- Include a statutory declaration stating the reason for the request. An example statutory declaration is provided at **Annexure B**.

BSC will suppress the information in accordance with the request if BSC is:

- Satisfied that the public interest in maintaining public access to the information is outweighed by the individual interest in suppressing the information; and
- The relevant legislation allows BSC to suppress the information.

9.1 HOW DOES BSC USE PERSONAL INFORMATION?

BSC must use personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
<b>IPP 10 &amp; HPP 10</b>	<p><b>Limited</b> - BSC may only use personal information for the purpose for which it was collected or a directly related purpose, or if the individual has consented to use the information in another.</p> <p>It may be used without consent in order to prevent or lessen a serious and imminent threat to any person’s life, health or safety.</p> <p>NOTE - Exemption/s apply</p>	<p>Personal information can be used by BSC for another purpose if:</p> <ul style="list-style-type: none"> <li>• used for a lawful and proper function and its use is reasonably necessary for the exercise of BSC’s function</li> <li>• when an award, prize, or similar form of recognition is intended to be conferred upon the person to whom the information relates</li> </ul>	<p><b>Limited</b> - BSC may only use health information for the purpose for which it was collected or a directly related purpose which the individual would expect. Otherwise, consent is required.</p> <p>It may be used without consent in order to prevent or lessen a serious and imminent threat to any person’s life, health or safety or a serious threat to public health and safety.</p>

## 10.1 HOW DOES BSC DISCLOSE PERSONAL INFORMATION?

BSC must disclose personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP. The following table summarises these requirements:

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
IPP 11 & HPP 11	<p><b>Restricted</b> - BSC may only disclose personal information:</p> <ul style="list-style-type: none"> <li>with the individual's consent</li> <li>if the individual was told at the time of collection that the personal information would be disclosed</li> <li>if the use is for directly related purpose and BSC considers that the individual would not object</li> <li>Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person</li> </ul> <p>NOTE - Exemption/s apply</p>	<p>Disclosure of personal information by BSC allowed where:</p> <ul style="list-style-type: none"> <li>information is sought by a public sector agency or public utility in writing, and BSC is satisfied that it will be used for a lawful and proper function and its use is reasonably necessary for the exercise of that public sector agency or public utility's function</li> <li>when an award, prize, or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates</li> <li>a prospective employer seeks to verify that a current or former employee works or has worked for BSC, the duration of that work, and the position occupied during that time (limited disclosure)</li> </ul>	<p><b>Limited</b> - BSC may only disclose health information for the purpose which it was collected or a directly related purpose that the individual would expect. Unless:</p> <ul style="list-style-type: none"> <li>Consent is given by the individual</li> <li>Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person</li> <li>Compassionate reasons</li> <li>Suspected unlawful activity or unsatisfactory professional conduct</li> </ul>
IPP 12	<p><b>Safeguarded</b> – BSC cannot disclose an individual's sensitive personal information without their consent. For example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, health matters or sexual orientation, or trade union membership. Unless disclosure is necessary to prevent or</p>	<p>Disclosure of personal information by BSC allowed where sought by a prospective employer outside of NSW (limited disclosure).</p>	N/A

	<b>PPIP Act</b>	<b>Privacy Code of Practice for Local Government (PPIP Act)</b>	<b>HRIP Act</b>
	lessen a serious and imminent threat to the life or health of a person  NOTE - Exemption/s apply		

## 10.2 HOW DOES BSC RESPOND TO UNAUTHORISED DISCLOSURE OF PERSONAL INFORMATION?

A Data Breach occurs when there is an incident that has caused or has the potential to cause unauthorised access to or disclosure or loss of Council Held Information. A Data Breach may occur directly from the Council or from a contractor or business partner of the Council who has custody of, or access to, Council Held Information.

Data breaches can be caused or exacerbated by a variety of factors, involve different types of personal information, and give rise to a range of actual or potential harms to individuals and entities. There is no single way of responding to a Data Breach but the steps in responding include:

1. **Contain** the breach to minimise further compromise of information.
2. **Assess** the breach by gather the facts, evaluate the risks, including potential harm to affected individuals and, where possible, taking action to remediate any risk of harm.
3. **Notify** individuals and the Privacy Commissioner if required. The method of notifying affected individuals/organisations will depend in large part on the type and scale of the breach, as well as immediately practical issues such as having contact details for the affected individuals/organisations. A notification register is available on Council's website, listing all Eligible Data breaches recorded in the last 12 months.
4. **Review** the incident and consider what actions can be taken to prevent future breaches.

## 11 PART J OTHER REQUIREMENTS

### 11.1 IDENTIFIERS, ANONYMITY AND TRANSFER

In relation to health information, BSC must comply with the requirements summarised in the following table in relation to identifiers, anonymity and transfer:

	<b>PPIP Act</b>	<b>Privacy Code of Practice for Local Government (PPIP Act)</b>	<b>HRIP Act</b>
<b>HPP 12</b>	N/A	N/A	<b>Not Identified</b> – BSC should only identify individuals by using unique identifiers if it is reasonably necessary to carry out BSC's functions efficiently.

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
HPP 13	N/A	N/A	<b>Anonymous</b> – BSC should allow individuals the opportunity of receiving services anonymously where this is lawful and practicable.
HPP 14	Section 19 - BSC must not disclose personal information unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person	N/A	<b>Controlled</b> – Health information must only be transferred outside NSW if BSC reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act or consent has been given, or transfer is under contract between BSC and the individual, or transfer will benefit the individual, or to lessen a serious threat to an individual's health and welfare, or steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act or transfer is not permitted or required under any other law.
HPP 15	N/A	N/A	<b>Authorised</b> - BSC should only use health records linkage systems if the individual has provided or expressed their consent.

## 12 PART K REVIEW OF BSC'S DISCLOSURE OF PERSONAL INFORMATION

### 12.1 REVIEW BY BSC (INTERNAL REVIEW)

If an individual believes their personal or health information has been collected, stored, accessed or disclosed other than in accordance with this Plan, and BSC's obligations under the PPIP Act or HRIP Act, they may request a review of BSC's conduct. The request for review must:

- Be in writing and addressed to:

The Privacy Contact Officer Byron Shire Council  
 PO Box 219  
 Mullumbimby NSW 2482

The [Privacy Internal Review Form \(Information and Privacy Commission\)](#) can be used.

- Provide details as to how they believe their personal or health information was not dealt with in accordance with this Plan or BSC's obligations under the PPIP Act or HRIP Act. Individuals cannot seek an internal review for a breach of another individual's privacy, unless they are authorised representatives of the other individual.
- Be lodged within **6 months** of the individual becoming aware of the conduct.

On receipt of a request for review of BSC's conduct, the Privacy Contact Officer will:

- assign a suitably qualified and appropriate BSC Officer (not involved and more senior than the BSC Officer alleged to have made the disclosure in the first instance) to conduct the internal review;
- ensure the review is undertaken in accordance with any guidelines provided by the IPC;
- notify the Privacy Commissioner of the request for internal review as soon as practicable after its receipt and keep the Privacy Commissioner informed of the progress of the review;
- ensure the individual who requested the review is advised of the outcome within **14 days** of its determination;
- ensure the review is completed within 60 days of the lodgement of the request. If not completed within 60 days, an application for external review may be lodged;
- provide the Privacy Commissioner with a draft of BSC's internal review report to enable the Privacy Commissioner to make a submission; and
- provide a final copy of the internal review report to the Privacy Commissioner where it departs from the draft review.

## 12.2 REVIEW BY NSW CIVIL AND ADMINISTRATIVE TRIBUNAL (EXTERNAL REVIEW)

If an individual is not satisfied with the outcome of an internal review, they may appeal to the NSW Civil and Administrative Tribunal (**NCAT**).

### **Contact details for NCAT**

**Website:** [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

**Phone:** [1300 006 228](tel:1300006228)

**Visit:** Level 10 John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

(for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by BSC)

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

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

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

I seek to know whether .....  
**[insert name of person]**

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

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

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

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

Declared at: ..... on.../.../20.....  
**[place]** **[date]** **[signature of declarant]**

in the presence of an authorised witness, who states:

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

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

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

1. \*I saw the face of the person *OR*

I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **and**

2. \*I have known the person for at least 12 months *OR*

I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

.....  
**[describe identification document relied on]**

..... on.../.../20.....

**[signature of authorised witness]** **[date]**

**Privacy Disclaimer**

The Byron Shire Council (BSC) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and BSC's Privacy Management Plan.

**Purpose:** *To certify statutory declaration* **Intended**

**recipients:** *Relevant BSC Officers* **Supply:** *Voluntary*

**Consequence of Non Provision:** *Statutory declaration will be invalid*

**Storage and security:** *Document will be kept in BSC's records management system in accordance with BSC policy and relevant legislation.*



14 ANNEXURE B STATUTORY DECLARATION

(to request that personal information is suppressed from any document or record held by BSC)

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

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

do solemnly and sincerely declare that I request to have their personal information suppressed from any document or record held by BSC as the safety or well-being of any person would be affected if the personal information is not suppressed.

The suppression is requested for the following reasons

**[insert reason]**

.....  
.....  
.....

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

Declared at: ..... on.../.../20.....  
**[place]** **[date]** **[signature of declarant]**

in the presence of an authorised witness, who states:

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

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

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

1. \* I saw the face of the person *OR*

I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **and**

2. \* I have known the person for at least 12 months *OR*

I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

**[describe identification document relied on]**

..... on.../.../20.....  
**[signature of authorised witness]** **[date]**

**Privacy Disclaimer**

The Byron Shire Council (BSC) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and BSC's Privacy Management Plan.

**Purpose:** *To certify statutory declaration*

**Intended recipients:** *Relevant BSC Officers*

**Supply:** *Voluntary*

**Consequence of Non Provision:** *Statutory declaration will be invalid*

**Storage and security:** *Document will be kept in BSC's records management system in accordance with BSC policy and relevant legislation.*

**Access:** *If a copy is held by BSC you can contact BSC on (02) 6626 7000 for access*

**Privacy Disclaimer**

The Byron Shire Council (BSC) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and BSC's Privacy Management Plan.

**Purpose:** *a statement about why you are collecting the information.*

**Intended recipients:** *who will be using the information?*

**Supply:** *legally required OR voluntary.*

**Consequence of Non Provision:** *what happens if the information is not provided?*

**Storage and security:** *how the information will be stored, for how long and who will have access?*

**Access:** *how individuals can gain access to check accuracy of information?*

**GM** means Chief Executive Officer of the Byron Shire Council and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

**Byron Shire Council (BSC)** means Byron Shire Council.

References to Byron Shire Council are references to Byron Shire Council as prescribed under the *Local Government Act 1993* (NSW).

**Council** means the elected Council.

**GIPA Act** means Government Information (Public Access) Act 2009 (NSW). Health information is defined in clause 7.

**HPP** means Health Privacy Principles.

**HRIP Act** means Health Records and Information Privacy Act 2002 (NSW).

**IPC** means Information and Privacy Commission NSW.

**IPP** means Information Protection Principles.

**NCAT** mean NSW Civil and Administrative Tribunal. Personal information is defined in clause 6.

**PPIP Act** means Privacy and Personal Information Protection Act 1998 (NSW).

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Plan.