

City of Newcastle
Plan

Privacy Management Plan 2018

City of Newcastle
PO Box 489, Newcastle NSW 2300
Ph: 4974 2000 Fax: 4974 2222
Email: mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au



Table of Contents

Part A Preliminary	1
1 Purpose	1
2 Scope	1
3 Principles	1
4 Privacy, Health and GIPA Acts	1
5 Further information	2
Part B Personal Information	3
6 What is personal information?	3
7 What is health information?	3
8 What types of personal information are held by CN?	3
Part C Roles and responsibilities	5
9 Chief Executive Officer	5
10 Privacy Contact Officer	5
11 Privacy Champions	5
12 CN Officers and Councillors	5
13 Awareness and training for CN Officers and Councillors	6
14 Volunteers, consultants and contractors to CN, including CN committee members	6
15 Community awareness	6
Part D Registers	7
16 What is a public register?	7
17 What public registers are held by CN?	7
18 What other registers are held by CN?	8
19 How can personal information held in registers be accessed?	9
Part E Collection of personal information	10
20 How does CN collect personal information?	10
21 Privacy disclaimers	11
22 Unsolicited information	11
Part F Storage of personal information	12
23 How does CN store personal information?	12
Part G Access and accuracy of personal information	13
24 How does CN provide access to, and ensure the accuracy of, personal information?	13
25 How can an individual access their personal information?	14
26 How can an individual request that their personal information is suppressed?	14
Part H Use of personal information	15

27	How does CN use personal information?.....	15
Part I	Disclosure of information.....	16
28	How does CN disclose personal information?	16
Part J	Other requirements.....	17
29	Identifiers, anonymity and transfer.....	17
Part K	Review of CN's disclosure of personal information.....	18
30	Review by CN (internal review)	18
31	Review by NSW Civil and Administrative Tribunal (external review)	19
	Annexure A - Privacy Contact Officer and Privacy Champions.....	20
	Annexure B - Statutory Declaration.....	21
	Annexure C - Statutory Declaration.....	22
	Annexure D - Privacy disclaimer (Example only)	23
	Annexure E - Definitions	24
	Annexure F - Plan Authorisations.....	25
	Document Control.....	26

Part A Preliminary

1 Purpose

- 1.1 The purpose of this Plan is to provide information about how City of Newcastle (CN) collects, stores, access and, discloses personal information and health information in accordance with the:
 - 1.1.1 *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) and Information Protection Principles (IPP);
 - 1.1.2 *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act) and Health Privacy Principles (HPP);
 - 1.1.3 GIPA Act and;
 - 1.1.4 [Privacy Code of Practice for Local Government](#).

Under section 33 of PPIP Act, CN is required to prepare a Privacy Management Plan. This Plan forms a part of CN's Governance Framework, as documented in CN's Open and Transparent Governance Strategy.

2 Scope

- 2.1 This Plan applies to Councillors, CN employees (including volunteers), consultants and contractors to CN, including CN committees members when dealing with personal information or health information.

3 Principles

- 3.1 In addition to the principles set out in the PPIP Act, CN commits itself to the following actions under its Open and Transparent Governance Strategy:
 - 3.1.1 **Accountability and transparency** - The Plan provides a framework for CN to fulfil its obligations regarding the handling of personal and health information.
 - 3.1.2 **Open and accessible** government information as well as a commitment to the protection of privacy.

CN will ensure it meets the highest level of public disclosure regarding all dealings with CN Officials while also meeting its obligations under the relevant privacy legislation and CN's Privacy Management Plan.
 - 3.1.3 **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.

4 Privacy, Health and GIPA Acts

- 4.1 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 CN, including their personal information and the personal information of others. The definition of personal information is different under each Act. When CN responds to a request for access to personal information, CN must ensure that it discloses information in accordance with the relevant Act.
- 4.2 CN primarily holds personal information about individuals so it can perform its functions as local government authority.
- 4.3 In this Privacy Management Plan, a reference to personal information is also a reference to health information.

5 Further information

- 5.1 For further information regarding the implementation of this Plan, you can contact by:
- 1.1.1 Within CN - the relevant Privacy Champion for their area or the Privacy Contact Officer (refer to **Annexure A** for details);
 - 1.1.2 External to CN - 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

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Part B Personal Information

6 What is personal information?

- 6.1 Personal information is defined under section 4 of the PPIP Act as:
 - 6.1.1 information or an opinion;
 - 6.1.2 about an individual; and
 - 6.1.3 where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion.
- 6.2 Personal information can include information in a database and does not have to be recorded in a hard copy document.
- 6.3 Personal information does not include:
 - 6.3.1 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 CN business papers that are available to the public;
 - 6.3.2 information or an opinion about an individual's suitability for appointment or employment as a public sector official; and
 - 6.3.3 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](#))

7 What is health information?

- 7.1 Personal information is also defined under section 5 of the HRIP Act as:
 - 7.1.1 information or an opinion;
 - 7.1.2 about an individual; and
 - 7.1.3 where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion.
- 7.2 Health information is a specific type of personal information as defined under section 6 of the HPP Act as:
 - 7.2.1 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](#))

8 What types of personal information are held by CN?

- 8.1 CN holds personal information about **customers, ratepayers, residents and other third parties**. For example, personal information may be contained in the following records:

- 8.1.1 rates records and records of property ownership;
 - 8.1.2 development applications and submissions;
 - 8.1.3 road closure applications;
 - 8.1.4 rezoning applications;
 - 8.1.5 residential parking permit applications (including health information to support a disabled permit application);
 - 8.1.6 complaints made to CN;
 - 8.1.7 membership applications for the Art Gallery, Library, Museum and CN events;
 - 8.1.8 children's attendance lists at CN owned childcare centre and other CN facilities;
 - 8.1.9 right of burial transfer database (CN cemetery);
 - 8.1.10 petitions;
 - 8.1.11 booking systems for community halls, CN parks and other facilities; and
 - 8.1.12 Insurance claims (various types of health information).
- 8.2 CN holds personal information about its **employees**. For example, personal information may be contained in the following records:
- 8.2.1 payroll database (contact information, leave, salary);
 - 8.2.2 performance management plans;
 - 8.2.3 complaints, investigations and disciplinary matters files;
 - 8.2.4 pecuniary interest returns; and
 - 8.2.5 medical certificates and workers compensation claim records (various types of health information).
- 8.3 CN holds personal information about its **Councillors**. For example, personal information may be contained in the following records:
- 8.3.1 payroll database (contact information, salary);
 - 8.3.2 complaints, investigations and disciplinary matters files; and
 - 8.3.3 pecuniary interest returns.

Part C Roles and responsibilities

9 Chief Executive Officer

- 9.1 The CEO is responsible for:
 - 9.1.1 Ensuring this Plan is accurate and up to date.
 - 9.1.2 Ensuring CN meets its obligations under the PIPP Act, HIRP Act and this Plan.
 - 9.1.3 Appointing a Privacy Contact Officer and Privacy Champions.

10 Privacy Contact Officer

- 10.1 CN's Privacy Contact Officer is appointed by the CEO (refer to **Annexure A** for details).
- 10.2 The Privacy Contact Officer is responsible for:
 - 10.2.1 Assisting the CEO to perform the CEO's role under the PIPP Act, HIRP Act and this Plan.
 - 10.2.2 Creating awareness about this Plan.
 - 10.2.3 Coordinating steps to ensure CN complies with the PPIP Act and HIRP Act.
 - 10.2.4 Coordinating requests for the suppression of personal information.
 - 10.2.5 Coordinating requests for internal reviews, including liaising with the Privacy Commissioner regarding internal reviews.
 - 10.2.6 Providing advice on matters relating to privacy and personal information.

11 Privacy Champions

- 11.1 CN's Privacy Champions are appointed by the CEO (refer to Annexure A for details).
- 11.2 Privacy Champions are responsible for:
 - 11.2.1 Creating awareness about this Plan, particularly in their Service Unit.
 - 11.2.2 Providing advice on matters relating to personal information, particularly in relation to the use of privacy disclaimers in their Service Unit.

12 CN Officers and Councillors

- 12.1 CN Officers and Councillors are responsible for:
 - 12.1.1 Collecting, storing, accessing and disclosing personal information in accordance with this Plan and clauses relating to personal information contained in CN's [Code of Conduct](#).
 - 12.1.2 Maintaining the integrity and security of confidential information in accordance with the clauses relating to confidential information contained in CN's [Code of Conduct](#).
 - 12.1.3 Always including privacy disclaimers when collecting personal information.

13 Awareness and training for CN Officers and Councillors

- 13.1 Relevant CN Officers and Councillors will be made aware of this Plan and their obligations:
 - 13.1.1 at induction; and
 - 13.1.2 through an ongoing awareness program including the completion of an e-learning training module or attendance at training sessions, where relevant.

14 Volunteers, consultants and contractors to CN, including CN committee members

- 14.1 Volunteers, consultants and contractors to CN (including CN committee members) will be made aware of this Plan and their obligations:
 - 14.1.1 at induction or as part of their contract with CN; and
 - 14.1.2 through an ongoing awareness program including the completion of an e-learning training module or attendance at training sessions, where relevant.

15 Community awareness

- 15.1 Factsheets published by the Information and Privacy Commission provide information for the community about the IPP and HPP:
 - 15.1.1 [The Information Protection Principles \(IPPs\) explained for members of the public](#); and
 - 15.1.2 [The Health Privacy Principles \(HPPs\) explained for members of the public](#).

These factsheets above should be provided to members of the public where they require additional information about privacy. CN's Privacy Contact Officer will also ensure that copies of the factsheets are available at its Customer Enquiry Counter and on CN's website.

Part D Registers

16 What is a public register?

16.1 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).

17 What public registers are held by CN?

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

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

18 What other registers are held by CN?

18.1 The following table provides details of other registers held by CN:

Act / Regulation	Section / Clause		Purpose	Access and contact
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 CN's website Contact Customer Services OR Regulatory, Planning & Assessment
Government Information (Public Access) Act	6(5)	Record of Open Access Information	Identify CN information that has been determined as 'open access information'	Register can be accessed on CN'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 CN has determined to provide access to the information	Register can be accessed on CN's website Contact Customer Service / Legal and Information Officer
	27	Register of Government Contracts	Identify CN contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed on CN's website Contact Customer Services OR Legal and Information Officer
Local Government Act	377-378	Register of Delegations	Identify functions delegated by the CEO to CN 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"> the value rate liability the owner or lessee	Register can be accessed by informal request under the GIPA Act. Contact Customer Services OR Finance

19 How can personal information held in registers be accessed?

- 19.1 As required by Section 57 of the PPIP Act, before disclosing personal information contained in a register, CN 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.
- 19.2 An individual may request access to personal information contained in a register by:
 - 19.2.1 contacting the relevant area of CN; and
 - 19.2.2 completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which CN holds that public register (refer to the tables above for the purpose of registers). An example statutory declaration is provided at **Annexure B**.
- 19.3 CN 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.
- 19.4 If access is requested to personal information which is not contained in a public register, then CN must be satisfied that there is no overriding public interest against disclosure of that personal information under the GIPA Act.

Part E Collection of personal information

20 How does CN collect personal information?

20.1 CN 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
IPP 1 and HPP 1	Lawful - Personal information must be collected for a lawful purpose which is directly related to CN's functions or activities and necessary for that purpose.	N/A	Lawful - Health information must be collected for a lawful purpose which is directly related to CN's functions or activities and necessary for that purpose.
IPP 2 and HPP 2	Direct - 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 CN indirectly if: <ul style="list-style-type: none"> • reasonably necessary when an award, prize, or similar form of recognition is intended to be conferred upon the person to whom the information relates • statutory exemptions apply • unsolicited information is provided 	Relevant - 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.
IPP 3 and HPP 3	Open - An individual must be informed as to why their personal information is being collected, what CN 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 CN if: <ul style="list-style-type: none"> • 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 • statutory exemptions apply • unsolicited information is provided 	Direct - Health information must be collected directly from the individual concerned unless it is unreasonable to do so.
IPP 4 and HPP 4	Relevant - Personal information collected must be relevant, accurate, up to date, complete and not	Exemption to collection of personal information where CN uses CCTV cameras for the purpose of filming public places	Awareness --An individual must be informed as to why their health information is being collected, what

	PPIIP Act	Privacy Code of Practice for Local Government (PPIIP Act)	HRIP Act
	<p>excessive. The collection should not unreasonably intrude into the individual's personal affairs.</p> <p>CCTV exemption under section 9 of the PPIIP Act</p>		<p>CN will do with it, and who may have access to it.</p> <p>If health information is collected about an 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.</p>

21 Privacy disclaimers

- 21.1 Wherever practicable, a privacy disclaimer will be included on any forms when CN collects personal information, whether in hard copy form or online.
- 21.2 The privacy disclaimer aims to advise an individual about CN's purpose for collecting this information, whether the personal information is required to be supplied to CN, how it will be stored and how it can be accessed by an individual. An example privacy disclaimer is provided at **Annexure D**.

22 Unsolicited information

- 22.1 Where CN 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.
- 22.2 The IPP and HPP relating to collection do not apply to unsolicited information.

Part F Storage of personal information

23 How does CN store personal information?

23.1 CN 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>Secure – 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>CN will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>	N/A	<p>Secure – 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>CN will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>

Part G Access and accuracy of personal information

24 How does CN provide access to, and ensure the accuracy of, personal information?

24.1 CN 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	<p>Transparent - Enough detail must be given about what personal information is stored, why it is stored, and what rights an individual has to access it.</p> <p>NOTE - Exemption/s apply</p>	N/A	<p>Transparent - CN must advise individuals what health information is being stored, the reasons it is being used and any rights they have to access it.</p>
IPP 7 and HPP 7	<p>Accessible - CN must allow an individual access to their personal information without unreasonable delay or expense.</p>	N/A	<p>Accessible - CN must, of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.</p>
IPP 8 and HPP 8	<p>Correct - At the request of the individual to whom the information relates, CN 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.</p>	N/A	<p>Correct - At the request of the individual to whom the information relates, CN 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.</p>
HPP 9	<p>Accurate - CN must take reasonable steps to ensure that the personal information is relevant, accurate, up to date and complete before using it.</p>		<p>Accurate - CN must ensure that the health information held is relevant and accurate before using it.</p>

25 How can an individual access their personal information?

- 25.1 CN 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:
- 25.1.1 Driver's license
 - 25.1.2 Passport
 - 25.1.3 Birth certificate or birth extract
 - 25.1.4 Pension card or health care card issued by Centrelink
 - 25.1.5 Medicare card
 - 25.1.6 Student photo identification card (issued by an Australian tertiary education Institution)
 - 25.1.7 Bank statement
 - 25.1.8 Rates notice

26 How can an individual request that their personal information is suppressed?

- 26.1 An individual may request to have their personal information suppressed from any document or record held by CN.
- 26.2 The request must:
- 26.2.1 Be in writing addressed to:
The Privacy Contact Officer
City of Newcastle
PO Box 489
Newcastle NSW 2300
 - 26.2.2 Provide reasons as to why the safety or well-being of any person would be affected if the personal information is not suppressed.
 - 26.2.3 Include a statutory declaration stating the reason for the request. An example statutory declaration is provided at **Annexure C**.
- 26.3 CN will suppress the information in accordance with the request if CN is:
- 26.3.1 Satisfied that the public interest in maintaining public access to the information is outweighed by the individual interest in suppressing the information; and
 - 26.3.2 The relevant legislation allows CN to suppress the information.

Part H Use of personal information

27 How does CN use personal information?

27.1 CN 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
IPP 10 & HPP 10	<p>Limited - CN 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 CN for another purpose if:</p> <ul style="list-style-type: none"> used for a lawful and proper function and its use is reasonably necessary for the exercise of CN's function when an award, prize, or similar form of recognition is intended to be conferred upon the person to whom the information relates 	<p>Limited - CN 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>

Part I Disclosure of information

28 How does CN disclose personal information?

28.1 CN 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>Restricted - CN may only disclose personal information:</p> <ul style="list-style-type: none"> with the individual's consent if the individual was told at the time of collection that the personal information would be disclosed if the use is for directly related purpose and CN considers that the individual would not object Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person <p>NOTE - Exemption/s apply</p>	<p>Disclosure of personal information by CN allowed where:</p> <ul style="list-style-type: none"> information is sought by a public sector agency or public utility in writing, and CN 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 when an award, prize, or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates a prospective employer seeks to verify that a current or former employee works or has worked for CN, the duration of that work, and the position occupied during that time (limited disclosure) 	<p>Limited - CN 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"> Consent is given by the individual Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person Compassionate reasons Suspected unlawful activity or unsatisfactory professional conduct
IPP 12	<p>Safeguarded – CN 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.</p>	<p>Disclosure of personal information by CN allowed where sought by a prospective employer outside of NSW (limited disclosure).</p>	N/A

	Unless disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person NOTE - Exemption/s apply		
--	---	--	--

Part J Other requirements

29 Identifiers, anonymity and transfer

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

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
HPP 12	N/A	N/A	Not Identified – CN should only identify individuals by using unique identifiers if it is reasonably necessary to carry out CN's functions efficiently.
HPP 13	N/A	N/A	Anonymous – CN should allow individuals the opportunity of receiving services anonymously where this is lawful and practicable.
HPP 14	Section 19 - CN 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	Controlled – Health information must only be transferred outside NSW if CN 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 CN 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

	PPIP Act	Privacy Code of Practice for Local Government (PPIP Act)	HRIP Act
			the HRIP Act or transfer is not permitted or required under any other law.
HPP 15	N/A	N/A	Authorised - CN should only use health records linkage systems if the individual has provided or expressed their consent.

Part K Review of CN's disclosure of personal information

30 Review by CN (internal review)

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

30.1.1 Be in writing and addressed to:

The Privacy Contact Officer
City of Newcastle
PO Box 489
Newcastle NSW 2300

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

30.1.2 Provide details as to how they believe their personal or health information was not dealt with in accordance with this Plan or CN'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.

30.1.3 Be lodged within **6 months** of the individual becoming aware of the conduct.

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

30.2.1 assign a suitably qualified and appropriate CN Officer (not involved and more senior than the CN Officer alleged to have made the disclosure in the first instance) to conduct the internal review;

30.2.2 ensure the review is undertaken in accordance with any guidelines provided by the IPC;

30.2.3 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;

30.2.4 ensure the individual who requested the review is advised of the outcome within **14 days** of its determination;

- 30.2.5 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;
- 30.2.6 provide the Privacy Commissioner with a draft of CN's internal review report to enable the Privacy Commissioner to make a submission; and
- 30.2.7 provide a final copy of the internal review report to the Privacy Commissioner where it departs from the draft review.

31 Review by NSW Civil and Administrative Tribunal (external review)

- 31.1 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

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

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

Annexure A - Privacy Contact Officer and Privacy Champions

Privacy Contact Officer:
Legal and Information Officer

Privacy Champions:

Service Unit	Position
Finance	Chief Financial Officer
Legal	Manager
Regulatory, Planning & Assessment	Senior Development Officer (Projects) AND Section Manager for the Customer & Service team
Transport & Compliance	Manager
Information Technology	Chief Information Officer
Major Events & Corporate Affairs	Manager
Corporate & Community Planning	Manager
Organisational Development	Manager
HR Operations	Manager
WHS & Injury Management	Manager
Training & Learning	Manager
Payroll	Manager
Depot Operations	Manager
Assets & Projects	Manager
Civil Construction & Maintenance	Manager
Property & Facilities	Manager
Art Gallery	Art Gallery Director
Museum	Director Museum
Civic Services	Manager
Libraries & Learning	Manager
Customer Experience	Operations Coordinator, Customer Contact Centre
Waste Services	Manager
Parks & Recreation	Manager

Signed: _____

Chief Executive Officer

23/17/19

Date

Annexure B - Statutory Declaration

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

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 City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

Purpose: *To certify statutory declaration*

Intended recipients: *Relevant CN Officers*

Supply: *Voluntary*

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

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

Access: *If a copy is held by CN you can contact CN on 4974 2000 for access*

Annexure C - Statutory Declaration

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

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 CN 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 City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

Purpose: *To certify statutory declaration*

Intended recipients: *Relevant CN Officers*

Supply: *Voluntary*

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

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

Access: *If a copy is held by CN you can contact CN on 4974 2000 for access*

Annexure D - Privacy disclaimer (Example only)

Privacy Disclaimer

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN'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.*

Annexure E - Definitions

CEO means Chief Executive Officer of the City of Newcastle 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).

City of Newcastle (CN) means Newcastle City Council.

References to City of Newcastle are references to Newcastle City 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.

Annexure F - Plan Authorisations

Function	Position Number / Title
Appointment of the Privacy Contact Officer and Privacy Champions	CEO

Document Control

Plan title	Privacy Management Plan 2018
Plan owner	Manager Legal
Plan expert/writer	Legal and Information Officer
Associated Procedure Title	N/a
Procedure owner (if applicable)	N/a
Prepared by	Legal and Information Officer
Approved by	Council
Date approved	11/12/2018
Plan approval form reference	ECM # 5803130
Commencement Date	11/12/2018
Next revision date	11/12/2021
Termination date	11/12/2022
Version	Two
Category	Governance
Keywords	privacy, collection, disclosure, personal and health information, policy, plan, sensitive information, access to information
Details of previous versions	Privacy Management Plan Policy 2014 - ECM # 4263694
Legislative amendments	Nil
Relevant strategic direction	Open and Collaborative Leadership
Relevant strategy	Open and Transparent Governance Strategy
Relevant legislation/codes (reference specific sections)	<p><i>Privacy and Personal Information Protection Act 1998</i> (PIIP Act)</p> <p><i>Health Records and Information Privacy Act 2002</i> (HRIP Act)</p> <p><i>Government Information Public Access Act 2009</i> (GIPA Act)</p> <p><i>Local Government Act 1993</i> (LG Act)</p> <p>Environmental Planning & Assessment Regulation 2000</p> <p>Privacy Code of Practice for Local Government</p> <p>Privacy and Personal Information Protection Amendment (CCTV) Regulation</p>

Other related policies/ documents/ strategies	<p>Guide to CN's Access to Information Framework under the Government Information (Public Access) Act</p> <p>CN's Code of Conduct</p> <p>CN's Information Guide</p> <p>CN's Records Management Policy</p>
Related forms	<p>INFORMAL REQUEST</p> <ul style="list-style-type: none"> • Customer Request Form <p>FORMAL APPLICATION</p> <ul style="list-style-type: none"> • Formal Access Application Form • Internal review of Formal Access Application <p>PRIVACY COMPLAINT</p> <ul style="list-style-type: none"> • Privacy Internal Review Form (Information and Privacy Commission)
Required on website	Yes
Authorisations	Functions authorised under this Plan at Annexure F