



Council Policy

Privacy Management Plan

Version 10

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02 4921 0333 | COUNCIL@LAKEMAC.NSW.GOV.AU

126-138 MAIN ROAD SPEERS POINT NSW 2284 | BOX 1906 HUNTER REGION MAIL CENTRE NSW 2310

LAKEMAC.COM.AU

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Introduction

Purpose

This Privacy Management Plan (the Plan) explains how Lake Macquarie City Council (Council) complies with, and manages personal and health information (personal information) in accordance with relevant privacy obligations, including the *Privacy and Personal Information Protection Act 1998* (PPIP Act), the *Health Records and Information Privacy Act 2002* (HRIP Act), the *Government Information (Public Access) Act 2009* (GIPA Act), the *Privacy Act 1988 (Cth)* (Privacy Act) and the Privacy Code of Practice for Local Government (privacy code).

Scope

The privacy obligations and this Plan apply, wherever practicable, to:

- Councillors
- Council employees
- Consultants and contractors of Council
- Council-owned businesses
- Council committees
- Volunteers.

Council will take reasonable steps to ensure that all such parties are made aware that they must comply with privacy obligations, any other applicable privacy code of practice, and this Plan.

Policy statement

Collecting personal information is an essential component for Council to be able to carry out its business activities, therefore we manage¹ this information in accordance with our privacy obligations.

This Plan is prepared based on the 12 Information Protection Principles (IPPs) and 15 Health Privacy Principles (HPPs) in the PPIP Act and the HRIP Act respectively.

Principles

Council is dedicated to safeguarding the personal information of our customers, volunteers, employees, contractors, Councillors and Council committees. We do this by:

- Clearly communicating to individuals how Council will manage¹ their personal information
- Focusing on minimising the collection and storage of data to only what is necessary
- Providing individuals with information about their rights, and review processes available, under privacy legislation
- Cultivating a privacy-conscious culture and supporting staff to understand their responsibilities regarding privacy
- Devising and implementing policies and procedures to align with Council's commitment to privacy, ensuring compliance with relevant obligations, including the PPIP Act, HRIP Act and the Privacy Act, and emphasising the importance of collecting only the information we require
- Developing and implementing educational programs for staff on policies and procedures that not only encourage compliance with Council's legal obligations regarding privacy but also highlight the significance of limiting data collection to what is essential
- Incorporating considerations of the information and privacy protection principles into the design and evaluation of Council systems, policies, processes, activities and projects.

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Objectives

This Plan will:

- Ensure our processes and systems enable us to manage¹ personal and health information in accordance with our privacy obligations.
- Educate all parties that this Plan is applicable to, about how to handle personal information to ensure compliance to our privacy obligations.

What is personal information?

Personal information under Section 4 of the PPIP Act is defined as 'information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion'. This information can include a name, address, contact details, information about family life, financial information, photos, biometric data information on a database and does not necessarily have to be recorded in a material form.

What is health information?

Health information under Section 6 of the HRIP Act is defined as 'personal information that is information or an opinion about the physical, mental health or disability of a person, express wishes about the future provision of health services, a health service provided or to be provided, or any other personal information collected to provide or in providing a health service'. Examples of health information include healthcare identifiers, a psychological report, results from drug and alcohol tests 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.

What is not personal or health information?

There are some kinds of information that are not personal information. These include:

- information about someone who has been deceased for more than 30 years
- information about someone that is contained in a publicly available publication
- information or an opinion about a person's suitability for employment as a public sector official.

Where Council is requested to provide access or make a disclosure and that information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to release that information and not the PPIP Act (for example, Section 8 of the GIPA Act).

Council considers the following to be examples of publicly available publications:

- A document in a library, art gallery or museum
- An advertisement containing personal information in a local, city or national newspaper
- Personal information on the internet
- Books or magazines that are printed and distributed broadly to the public
- Personal information that may be a part of a public display on view to the public.

How Council manages personal and health information

Personal information held by Council

Council holds personal information concerning its customers, ratepayers and residents, such as:

- Rates records
- DA applications and submissions
- Providing services, for example family day care records, library and waste collection
- Site inspections
- Event registrations
- Enforcing regulations
- Various types of health information.

Council holds personal information concerning employees, such as:

- Recruitment and employment material
- Leave and payroll data
- Personal contact information
- Performance management information
- CCTV footage
- Complaints and disciplinary matters
- Pecuniary interest returns
- Wage and salary entitlements
- Incident reports
- Health information, for example medical certificates, workers compensation claims and vaccination status.

Council holds personal information concerning Councillors, such as:

- Personal contact information
- Complaints matters
- Pecuniary interest returns
- Entitlements to fees, expenses and facilities.

Unsolicited information

Where an individual, a group, or committee, not established by Council, provides Council with unsolicited personal or health information, then that information will still be treated in accordance with this Plan, the privacy code, the HRIP Act and the PPIP Act for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

Note that for the purposes of the HRIP Act and the PPIP Act, Council is not considered to have “collected” health or personal information if the receipt of the information by Council is unsolicited.

Identity verification

Individuals may provide Council with documents to verify their identity, for example a driver’s licence. Where possible, Council will not retain copies of personal identity documents.

Public registers

Council is required by law to maintain several public registers and to make them available for public inspection.

Some of these registers contain personal information as defined in the PPIP Act, the HRIP Act and the GIPA Act. Section 57 of the PPIP Act requires Council to ensure that access to personal information in a register is consistent with the purpose for which the register exists.

In line with this requirement, Council has developed specific rules governing disclosure of personal information held in registers:

- Council will not disclose personal information in a public register unless the information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept.
- The privacy code allows disclosure of single items or one page in a Register without explanation. However, such a disclosure can only occur when the person seeking the information attends Council in person.
- Council requires that any person who applies for more than one record or page from a public register, does so by completing a Statutory Declaration. Any such declaration must describe the intended use of the information requested and be witnessed by a Justice of the Peace.

The list of Council registers below specifies the main purpose of each of those registers.

Council's public register list

The GIPA Act and *Government Information (Public Access) Act Regulation 2018* (GIPA Regulation) lists information available to the public free of charge within a public register. The following is a list of Council's public registers:

- *Public Land Register* – (Section 53, Local Government Act, 1993). The purpose of this register is to identify all land vested in Council, or under its control.
- *Records of Approvals* – (Section 113, Local Government Act, 1993). The primary purpose is to identify all approvals granted under the LGA.
- *Pecuniary Interests* – (Sections 449 - 450A of the Local Government Act 1993). The purpose of this register is to facilitate the disclosure of pecuniary interests by councillors and designated persons. There is a corresponding public accountability purpose.
- *Rates and Charges Records* – (Section 602, Local Government Act, 1993). The purpose of this register is to record the value of a parcel of land and record rate liability in respect of that land and the owner or lessee of each parcel of land.

The information that is held on the Rates and Charges record is:

- property address
- rate liability
- property valuation
- owner name/s

Owner contact mailing information is not considered part of the Rates and Charges record. Owner contact mailing information will only be provided to adjoining property owners.

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- *Development Consent Approvals* – (Section 100, Environmental Planning and Assessment Act, 1979). The purpose of this register is to identify applications for development consent and other approvals, confirm determinations on appeal, and identify applications for complying development certificates.
- *Building Certificates* – (Section 149G, Environmental Planning and Assessment Act, 1979). The purpose of this register is to identify all building certificates. Register information is available for inspection free of charge. However, copies of certificates are only available with owner's consent and the payment of the prescribed fee.
- *Public register of licences held* – (Section 308, Protection of the Environment Operations Act, 1997). The purpose of this register is to identify all licences granted under the Act.
- *Register of Delegations* (section 380 of the Local Government Act 1993 NSW) – Record of delegations to Mayor, CEO and staff.
- *Contracts register* (GIPA Act 2009, s27) – Contracts awarded by Council valued at or above \$150,000.
- *Disclosure log* (GIPA Act 2009) – Records access applications decided under the GIPA Act.
 - *Register of Investments* (Local Government Act 1993) – A record of all the money invested by Council, ensuring transparency and accountability for public funds.

People can contact Council's Customer Service Centre for access to public registers not available on the website at lakemac.com.au.

Secondary purpose of all public registers

Due to the general emphasis on local government processes and information being transparent and accountable, it is considered that a secondary purpose for councils holding public registers is the provision of access to the public. Therefore, disclosure of specific records from public registers would normally be considered allowable under Section 57 of the PPIP Act.

However, requests for access, copying or the sale of the whole or a substantial part of a public register held by Council will not necessarily fit within this purpose. Council should be guided by the privacy code in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Application for access to one's own records on a public register

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

Other registers

Council may have other databases or registers that are not considered public registers, and Council will apply relevant privacy obligations to those databases or registers.

Information Protection Principles (IPPs)

Part 2, Division 1 of the PPIP Act contains 12 IPPs with which we must comply and an overview of the principles as they apply to Council is included below.

Principle 1 – Collection of personal information for lawful purposes

Council is committed to collecting personal information only by lawful means and for a purpose that is directly related to Council's functions and activities.

Council will collect and deliver personal information to and from Government Departments, such as the Department of Planning and Environment and Office of Local Government, involved in the normal functions of Council's operation.

Council will continue the practice of dealing with the Office of the Children's Guardian for enquiries on personnel and recruitment matters, such as for pre-employment screening of people working with children (*Children's Guardian Act 2019 and the Child Protection (Working with Children) Act 2012*).

Council may use any personal information collected for a variety of purposes and functions across its departments. Where the information was collected for one main purpose, it may also be reasonably used for a variety of other purposes. For example, the names, addresses and contact information of individual property owners can be used to notify adjoining owners of proposed development, identify companion animal ownership, manage public revenue and accounts, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status as well as being included in the Rating and Valuation Register.

Principle 2 – Collection of personal information directly from the individual

Council will collect personal information directly from the individual concerned unless:

- The individual has authorised collection from someone else
- The information has been provided by a parent or guardian – where a person is under the age of 16 or incapacitated by disability or age.

Principle 3 – Requirements when collecting personal information

When Council collects personal information Council informs people:

- Why the information is being collected
- What it will be used for
- To whom it will be disclosed
- Whether the information is required by law or is voluntary, and possible implications for the individual if the information (or any part of it) is not provided
- How they can access, and correct of their personal information
- Where the information will be stored.

Council has added a Privacy Protection Notice to forms where Council solicits personal information from the public. Internal forms are not affected. There are also exemptions to this principle as outlined in Part 2 Division 3 of the PPIP Act (refer to the Exemptions and the Privacy Code of Practice for Local Government section of this plan).

Principle 4 – Other requirements relating to collection of personal information

Council will take reasonable steps to ensure that:

- Information collected is relevant to that purpose, is not excessive and is accurate, up to date,

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and complete

- The collection of the information does not intrude unreasonably on the personal affairs of the individual concerned.
- That there are measures in place such as regular audits to ensure the collection of personal information is not excessive.

There are exemptions to this principle as outlined in Part 2 Division 3 of the PPIP Act (refer to the Exemptions and the Privacy Code of Practice for Local Government section of this plan).

Principle 5 – Retention and security of personal information

Council will ensure that:

- Personal information is stored securely and kept for no longer than necessary
- Personal information is disposed of securely
- Personal information is protected from unauthorised access, use, or disclosure and against all other misuse
- Relevant security measures are in place for example password protection, user defined restricted access and lockable storage of hard copy files
- If personal information is provided to a third party in connection with the provision of a service to council, everything reasonable is done to prevent unauthorised use or disclosure of the information.

The removal and disposal of records is in accordance with the [State Archives and Records Authority of NSW General Retention and Disposal Authorities](#) and Council's Records Management Policy.

Principle 6 – Information about personal information held by agencies

Council is transparent about the personal information it holds. If Council holds any information about a person, they may request Council advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access.

Council participates in programs such as Privacy Awareness Week to educate people on the types of information we hold, how to access it and why we collect it.

Principle 6 is subject to the GIPA Act provisions.

Principle 7 – Access to personal information held by agencies

Council allows people access to their own personal information without excessive delay or expense.

Current employees are to enquire with the People and Culture department to access their employee records. Past employees can access their information under the PIPP Act by submitting a formal request through Council's Access to Information team.

Council may also share information with other agencies in accordance with legislative requirements, memorandums of understanding or referral arrangements. This can include agencies such as the NSW Ombudsman, Office of Local Government and NSW Police for enquiries and property related matters. If you have any questions about whether Council holds your information, what the information is held for or how you can access the information, please refer to Council's [Access to Information](#) page.

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 Council holds about

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them need to contact Council's [Customer Service Centre](#). Council does not charge a fee to access and amend personal and health information.

Principle 8 – Alteration of personal information

Any person who is concerned with the accuracy or use of their personal information kept by Council may request, in writing, that amendments be made to that information. Changes to information will require supporting documentation and evidence for the reason of the request.

Council will take reasonable steps to amend personal information where necessary. If Council decides that it will not amend the information, it may add the information, enabling it to be read with the existing information and notify the individual concerned. The individual to whom the information relates is entitled to have the recipients notified of the amendments made by Council. Council's Privacy Officer will approve required changes where applicable.

Principle 9 – Accuracy of information

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

Principle 10 – Limits on use of personal information

Council only uses personal information:

- For a purpose for which it was collected as permitted by law or this Privacy Management Plan
- The individual to whom the information relates has consented to use the information for that other purpose
- The other purpose for which the information is used is directly related to the purpose for which it was collected
- To prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates, or of another person.
- For other purposes as specified in Part 2, Division 3 of the PPIP Act (exemptions) and the Privacy Code of Practice for Local Government.

Council officers using personal information will not notify individuals for approval to perform usual Council functions.

Council officers will discuss personnel and recruiting records with solicitors and administrative staff, when necessary, without prior approval of individuals. These processes relate to the normal operational functions of Council and officers will use any personal information collected for multiple purposes if required for the business of Council.

Compliance with IPP 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. Section 23(4) of the PPIP Act permits Council not to comply with IPP 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. Law enforcement purposes mean a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

Principle 11 – Limitations on disclosure of personal information

Council will not disclose personal information unless:

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- The disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object
- The individual has been made aware that this kind of information is usually released
- Disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned, or another person
- Permitted under part 2 division 3 of PIPP Act or privacy codes of practice.

The GIPA Act overrides the restrictions on disclosure of personal information under Section 18 and 19 of the PPIP Act to the extent that it lawfully authorises, requires, necessarily implies, or reasonably contemplates that councils need not comply with these sections. Council must make records available for inspection and/or copy and may be available subject to the public interest test.

Principle 12 – Special restrictions on disclosure of personal information

Council will not disclose personal information that:

- Relates to an individual's ethnicity/racial origin, political opinions, religion or philosophical beliefs, trade union membership, or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person
- Relates to any enquiry from anyone outside NSW unless:
 - a relevant privacy law applies to personal information in force in that jurisdiction; or
 - the disclosure is permitted under a privacy code of practice (a law determined by the Privacy Commissioner and published in the *Government Gazette*).

Sensitive information is stored securely in Council's systems, which include access controls and audit logs.

There are exemptions to this principle as outlined in Part 2 Division 3 of the PPIP Act and the Privacy Code of Practice for Local Government.

Exemptions and the Privacy Code of Practice for Local Government

Exemptions to the Information Protection Principles (IPPs)

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

- Council is not required to comply with IPPs 2-3, 6-8, or 10-12 if lawfully authorised or required not to do so.
- Council is not required to comply with IPP 2 if the information concerned is collected in relation to court or tribunal proceedings.
- Council is not required to comply with IPPs 1-4, 10 or 11 in relation to emergency situations.
- Council is not required to comply with IPPs 1-4, 10 or 11 if Council is providing the information to another public sector agency, in particular, to enable inquiries to be referred between the agencies concerned. For example, s 23(3) of the PPIP Act provides that Council is not required to comply with collection requirements if the information concerned is collected for law enforcement purposes such as the issue of a penalty infringement notice.

Privacy Code of Practice for Local Government

Council must comply with the Privacy Code of Practice for Local Government as prepared by the Office of the Privacy Commissioner and revised on 20 December 2019.

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- Under the Privacy Code of Practice for Local Government where it is reasonably necessary, 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 Council to use personal information for a purpose other than the purpose for which it was collected where the use is in pursuance of Council's lawful and proper functions and Council is satisfied that the personal information is reasonably necessary for the exercise of those functions. For example, Rates records that Council holds under s602 of the Local Government Act 1993 may be used to:
 - Notify neighbours of a proposed development
 - Evaluate a road opening
 - Evaluate a tree preservation order.

The Health Privacy Principles (HPPs)

Under the provisions of the HRIP Act Council has various legal obligations in how it must collect, hold, use and disclose individuals' health information.

The following is a list of examples of the types of health information and circumstances in which Council may collect health information:

- Seniors' bus outings where information may be collected on special medical needs
- Information on carers and families for the purposes of children's services
- Volunteer programs where volunteers are asked to disclose health conditions which assist council to provide support in the event of an incident, or which may preclude them from some types of volunteer work
- Information in relation to the need for assisted waste services or MLAK keys
- Information relating to employee health for example pre-employment medical declarations, medical certificates, workers' compensation and vaccination status.

In the same way as the IPPs that have been outlined above, the provisions of the HRIP Act allow for HPPs. The meaning, intent and application of these principles are required when handling health information.

The HPPs and the IPPs are very similar with some principles overlapping in areas. For more information on HPPs, refer to the Information and Privacy Commission at ipc.nsw.gov.au.

Principle 1 – Collection of health information for lawful purposes

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose.

Principle 2 – The collection of health information is relevant to Council's operations

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual.

Principle 3 – Collection of health information directly from the individual

Council will only collect health information directly from a person concerned, unless it is unreasonable or not practical to do so.

Principle 4 – Requirements when collecting personal information

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Council will advise the person why their health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also advise the person how they can see and correct their health information.

Principle 5 – Retention and security of health information

Council will store health information securely and protect it from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately. Health information is stored securely in Council's systems, which include access controls and audit logs.

Principle 6 – Information about health information held by agencies

Council will provide details about what health information Council is holding about an individual and information about why Council is storing that information and what rights of access the individual has. Council participates in programs such as Privacy Awareness Week to educate people on the types of information we hold, how to access it and why we collect it.

Principle 7 – Access to health information held by agencies

Council will allow a person to access their health information without unreasonable delay or expense. Requests for information can be made through our Access to Information team or our People and Culture team if the person is a current staff member.

Principle 8 – Alteration of health information

Council will allow a person to update, correct or amend their personal information where necessary. Any person who is concerned with the accuracy or use of their personal information kept by Council may request, in writing, that amendments be made to that information. Changes to information will require supporting documentation and evidence for the reason of the request.

Principle 9 – Accuracy of health information

Council will ensure that individuals' health information is relevant and accurate before using it. Council will only use information stored within its own systems, having regard to the purpose for which it was collected, its proposed use, its relevance, whether it is up to date, complete and not misleading, in accordance with Council's Code of Conduct, approved policies and recorded procedures.

Principle 10 – Limits on use of health information

Council will only use individuals' health information for the purpose for which it was collected or for a directly related purpose that the person to whom the information relates would expect. Otherwise, Council will obtain the person's consent.

Principle 11 – Limits on disclosure

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect
- If an exemption applies within HPP 11 (for example law enforcement or serious threat to health or welfare) as outlined under schedule 1, 10 (1) (i) of the HRIP Act.

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Principle 12 – Not identified

Council will only attribute an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively.

Principle 13 – Anonymous

Council will provide health services anonymously where it is lawful and practical.

Principle 14 – Transfer of health information to Commonwealth agencies

Organisations who Council may disclose information to include Medicare, health insurance bodies, State Health Departments, Immigration Department and other health-practitioner regulation agencies.

Information may include clinical history, insurance or billing details and practitioner credentials.

Council will only transfer personal information out of NSW if the requirements of HPP 14 are met including consent, legal requirement, or equivalent privacy protections.

Principle 15 – Authorised

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link.

Exemptions to the Health Privacy Principles (HPPs)

Exemptions are located mainly in Schedule 1 to the HRIP Act and may permit Council not to comply with HPPs in certain situations. For example, Council is not required to comply with HPPs 4-8, and 10-11 if lawfully authorised or required not to do so. Situations where this may arise include that Council may disclose health information to assist in a stage of an emergency, in the event of a serious and imminent threat to the life, health and safety of the individual or another person or a serious threat to public health or public safety to find a missing person or for compassionate reasons.

Health Records and Information Privacy Code of Practice 2005

The Health Records and Information Privacy Code of Practice 2005 applies to Council. It permits, in certain limited circumstances, the collection, use and disclosure of health information between human services agencies without the consent of the person to whom the health information relates. A human services agency is a public sector agency that provides welfare services, health services, mental health services, disability services, drug and alcohol treatment services, housing and support services and/or education services.

Supplementary information

Suppression of personal information

A person may request Council to not publish their personal information if they consider that the safety or wellbeing of a person would be affected by the information being placed on the public register or released by Council.

Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information. When in doubt, Council will favour suppression.

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This is in accordance with Section 58(2) of the PPIP Act and Section 739 of the Local Government Act 1993 (LGA).

Any information that is suppressed from the public register may still be kept for other purposes. The information may still be used for Council functions and disclosure will be managed in accordance with the GIPA Act.

An application for suppression must be made in writing and outline the reasons for the request. Council may require supporting documentation where appropriate.

Privacy complaint process

Council encourages the informal resolution of privacy issues before undertaking the review process. Issues can be raised informally with Council and complaints will be managed generally in accordance with Councils Feedback Management Policy and this Plan. Further details can be found on our website lakemac.com.au.

Internal review

Individuals have the right to request an internal review under Part 5 of the PPIP Act. A complaint about Council's handling of personal information (conduct) is managed via an internal review, which is an internal investigation by Council's Privacy Officer.

Conduct can mean an action, a decision, or even inaction by Council. Examples of the conduct complained about could be:

- A decision to refuse a person access to their personal or health information
- The action of disclosing a person's personal or health information to another person
- The failure to protect a person's personal or health information from being inappropriately accessed by someone else.

The person (applicant) who has a concern about Council's conduct is entitled to apply for an internal review. The application for review must be in writing and addressed attention to the Privacy Officer through the following channels:

- Online at lakemac.com.au/Services/Report-an-issue
- Email at council@lakemac.nsw.gov.au
- Post:

Privacy Officer
Lake Macquarie City Council
Box 1906
Hunter Regional Mail Centre NSW 2310

On receipt of the internal review request, Council will forward a copy to the NSW Privacy Commissioner. Council will inform the NSW Privacy Commissioner of progress and the outcome of the review. Council will assess whether it has complied with the privacy principles and then advise the applicant of its findings and what it will do as a result.

The NSW Privacy Commissioner is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the NSW Privacy Commissioner. The Council must provide the NSW Privacy Commissioner with a draft of Council's internal review report to enable the NSW Privacy Commissioner to make a submission.

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The aggrieved individual must lodge an application within six months from the time the applicant first became aware of the conduct (the subject of the application). Council may exercise its discretion to accept an application which may be received after the end of the six-month period.

Council will keep the contents of the review confidential in accordance with Council's Code of Conduct. The Internal Review, as far as practicable, will be conducted by the Privacy Officer, or an appropriately qualified employee of the Council, who does not have a conflict of interest in the matter (Reviewing Officer).

Council will complete the review as soon as reasonably practicable within 60 days from receipt of the application for review.

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

- Take no further action on the matter
- Make a formal apology to the applicant
- Take appropriate remedial action
- Provide undertakings that the conduct will not occur again
- Implement administrative measures to ensure that the conduct will not occur again.

Council will notify the applicant in writing as soon as practicable at the completion of the review. This will include:

- The outcome and reasons for the decision
- Any proposed actions to be taken
- The right of the applicant to have the outcome reviewed by the Administrative and Equal Opportunity Division of NSW Civil and Administrative Tribunal (ncat.nsw.gov.au or 1300 006 228).

The Privacy Commissioner's role

The Privacy Commissioner has an oversight role in how agencies handle privacy complaints and is entitled to make submissions to Council regarding internal reviews. If Council receives an internal review application, it will:

- Notify the Privacy Commissioner of the application as soon as practicable after receiving the Application
- Keep the Privacy Commissioner informed of the progress of the internal review
- Inform the Privacy Commissioner of the findings of the review and the action proposed to be taken by Council in relation to the matter.

An individual can also make a complaint directly to the Privacy Commissioner about an alleged breach of their privacy. Information about how to make a privacy complaint to the Privacy Commissioner can be found on their website ipc.nsw.gov.au/privacy/citizens/make-complaint.

Disclosure and misuse of personal or health information

Section 664 of the Local Government Act 1993 also applies to the lawful disclosure and use of information by Council. Whether or not a particular disclosure is made lawfully under those provisions is a matter that requires consideration of relevant circumstances from case to case.

Data breach response

Council has obligations under Part 6A of the PPIP Act to notify the Privacy Commissioner and affected individuals of certain serious data breaches, called eligible data breaches in this Plan.

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Eligible data breaches occur when a reasonable person would conclude that the access or disclosure of the personal information would be likely to result in serious harm to an individual to whom the information relates where;

- Unauthorised access to, or unauthorised disclosure of, personal information occurs, or
- There is a loss of information where unauthorised access or disclosure is likely to occur.

Separately to this Plan, Council has:

- A Data Breach Policy that sets out Council's approach to preventing and managing data breaches, including information regarding the roles, responsibilities and steps that Council will take to manage a breach if one occurs
- A Data Breach Response Plan that contains decision-making tools and templates to assist Council to respond to an actual or potential data breach in a manner consistent with the PPIP Act and relevant guidance from the Privacy Commissioner
- A Public Notification Register that provides details about any public notifications made.

In the event of an actual or suspected eligible data breach, Council will apply its Data Breach Policy and implement its Data Breach Response Plan, including undertaking the following five key steps as required:

Step 1 – Internally report and triage the (potential) data breach

Any person who has identified a (potential) data breach will report the breach to Council's Privacy Officer. The Privacy Officer will review the (potential) data breach in accordance with Council's Data Breach Response Plan.

Step 2 – Contain the potential or actual data breach

Council will take all immediate and reasonable steps to contain and limit any further unauthorised access or disclosure. For example, recover or request deletion of the information, shut down the system that has been breached, suspend the activity that led to the breach, revoke or change access codes or passwords.

Step 3 – Assess and mitigate the data breach

Council will assess the breach and determine within 30 days whether there are reasonable grounds to believe there has been an eligible data breach. This will involve consideration of the type of information involved in the breach and assessment of the risks associated with the breach, including risk of serious harm to individuals.

Step 4 – Consider notifying the IPC and affected individuals (if required)

Council will notify the NSW Privacy Commissioner of an eligible data breach. If required under the PPIP Act, Council will also notify the individuals affected by the data breach. Where it is not reasonably practicable to individually notify each affected individual, public notification of the data breach may be given on Council's website.

Council will have regard to the following when determining whether a notification to affected individuals is required:

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- the risk of harm to the individual
- steps that Council has taken to date to avoid or remedy any actual or potential harm
- the ability of the individual to take further steps to avoid or remedy harm
- whether the information that has been compromised is sensitive, or likely to cause humiliation or embarrassment for the individual, and
- whether there are any applicable legislative provisions or contractual obligations that require Council to notify affected individuals.

Step 5 – Conduct a detailed post-breach review

Council will undertake a review the circumstances of the breach and identify areas for improvement in its data breach response, including measures it can take to prevent reoccurrence.

For further information on how Council responds to data breaches, please see our Data Breach Policy on our website at lakemac.com.au.

Training and education

All new employees and Councillors will receive training on our privacy obligations at induction. This training is also supplemented by a regular curriculum of additional awareness training.

Members of the public are educated about our privacy obligations and rights through notification or messaging when customers call us on our main telephone number, collection notices on all forms that require collection of personal information and a dedicated privacy information page on our website at lakemac.com.au.

Public access to the Privacy Management Plan

This Plan and other Council policies, such as the Data Breach Policy, are available on Council's website at lakemac.com.au or by contacting our Customer Service Centre using the details below.

Contact details

You may obtain further information by contacting:

Privacy Officer
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310
02 4921 0333
council@lakemac.nsw.gov.au

Privacy Commissioner
GPO Box 7011
Sydney NSW 2001
1800 472 679
ipcinfo@ipc.nsw.gov.au

Review and Evaluation

Section 33 of the PPIP Act requires all public sector agencies to prepare, implement, and periodically review a Privacy Management Plan. This Plan will be reviewed every two years.

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Controlled Document Information

Authorisation Details

Folder No:	F2004/11571-04	TRIM Record No:	D12200604
Audience:	External - This policy applies to all staff, councillors and customers.		
Department:	Customer Experience	Officer:	Head of Customer Experience - Jasmyne Munro
Key focus area(s):	Governance		
Review Timeframe: Max < 4 years	2 years	Next Scheduled Review Date:	15 December 2027
Authorisation:	Endorsed by the CEO on 23 December 2025		
Authorisation - Council Adoption Date:	Noted by Council on 23 February 2026		

Related Document Information, Standards & References

Related Legislation:	<i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Government Information (Public Access) Act 2009</i> <i>State Records Act 1998</i> <i>Privacy Act 1988</i> <i>Local Government Act 1993</i>	Requirement of Act Plan must address requirements of Act Requirement of Act
Related Policies:	Code of Conduct Records Management Policy Data Breach Policy	
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	Archiving and disposal of records procedure Data Breach Response Plan	
Standards, COP's & Other References	Information and Privacy Commission's checklist for privacy management plans, guide to making privacy management plans Office of Local Government Model Privacy Management Plan Privacy Code of Practice for Local Government	

Definitions

Term / Abbreviation	Definition
GIPA Act	Government Information (Public Access) Act 2009

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PPIP Act	Privacy and Personal Information Protection Act 1998
HRIP Act	Health records and Information Privacy Act 2002
Manages ¹	Unless otherwise specified, manage includes, without limitation, Council collection, storing, keeping, retaining, accessing, securing, using, amending, disclosing or disposing of personal or health information.

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Information and Privacy Commission, Integrity and Risk, Legal, Privacy Officer, Head of Customer Experience, Internal Ombudsman
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Version History

Version No	Date Changed	Modified By	Details and Comments
0	09/05/2005	G Brown	Inclusion of reference to Health Records and Information Privacy Act
1	7/10/2005	G Brown	Conversion to new template.
2	30/11/2007	L Fitton	Changes in legislation, titles, headings
3	29/04/2009	R.Skelton	Conversion to new template, improved format and corrected out of date information.
4	27/07/2010	R Skelton	Included GIPA (Act) and corrected out of date information
5	2/02/2011	R. Skelton	Included changes to applying for suppression of personal information and body of document reviewed for improved grammatical presentation.
6	25/09/2014	T. Hamilton	Updated template, updated content and improved format. Updated contact information for Privacy Commissioner NSW. Changes of note are, the inclusion of a definition of what is not personal or health information, examples of personal information held by Council and the inclusion of the detailed list of the health privacy principles
7	9/4/2019	T. Hamilton	Minor grammatical changes, updated content and improved format
8	August 2022	T. Hamilton	Updated template and modified content to include more detailed information on the Privacy Complaint Process, the role of the Privacy Commissioner and how we educate members of the public on our privacy obligations.
9	October 2023	T Hamilton	Updated to set out Council's obligations with respect to data breach management and notification (in accordance with section 33(2)(c1) of the PPIP Act).
10	November 2025	J. Munro	Updated to include more information on the types of personal and health information that is collected and what the exemptions are.