

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	08/07/2003	732	08/07/2003
2	11/05/2010	0142	11/05/2010
3	09/06/2015	15/161	09/06/2015
4	24/09/2019	19/302	25/10/2019

2 Policy Objective

To safeguard personal information held by Griffith City Council and explain how personal information is dealt with by Griffith City Council. Council understands and appreciates how important it is to safeguard personal information. The Privacy Policy explains how personal information will be dealt with by Council.

3 Policy Statement

The collection of personal and health information from Councillors, employees, volunteers, contractors, ratepayers and members of the public is required in order for Council to perform its statutory functions and to allow the effective provision of services.

Council respects the privacy of its residents, customers and employees and have prepared its Privacy Policy in accordance with the relevant legislation and accompanying regulations.

This policy sets out the relevant requirements to promote the protection of personal and health information and the protection of privacy, and provides the foundation for Council's Privacy Management Plan.

This is the privacy policy of Griffith City Council. Council is subject to the Privacy and Personal Information Protection Act 1998 (NSW) ("PPIPA"), which includes information protection principles ("IPPs") as modified by the Privacy Code of Practice for Local Government. This privacy policy applies only to information collected after the commencement of the PPIPA on 1 July 2000.

Griffith City Council is committed to ensuring the adequate protection of all personal and health information that is collected and held by Council and will apply the following general principles, based on the 12 Information Protection Principles outlined in the relevant legislation. The principles are a legal obligation for Council which describe what a NSW government agency must do when it collects, stores, uses and discloses personal and health information.

- PPIPA Principle 1 - Lawful**

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

- **PPIPA Principle 2 – Direct**

Council will ensure that the information is collected directly from the person concerned, unless consent from the person has been given otherwise. Parents and guardians can give consent for minors.

- **PPIPA Principle 3 – Open**

Council will inform the person as soon as is practicable that the information is being collected, why it is being collected and who will be storing and using it. Council will also inform the individual how they can view and amend this information once collected.

- **PPIPA Principle 4 – Relevant**

Council will ensure that the information is relevant, accurate, up-to-date and not excessive. The collection of information will not unreasonably intrude into the personal affairs of the individual.

- **PPIPA Principle 5 – Secure**

Information will be stored securely, not kept any longer than necessary and disposed of appropriately. It will be protected from unauthorised access, use, modification or disclosure.

- **PPIPA Principle 6 – Transparent**

Council will ensure that individuals are provided with enough details about what personal information is being held, how it is being stored and what rights they have to access it.

- **PPIPA Principle 7 – Accessible**

Council will allow access for individuals to their personal information, without unreasonable delay or expense.

- **PPIPA Principle 8 – Correct**

Council will allow individuals to update, correct or amend personal information where necessary.

- **PPIPA Principle 9 – Accurate**

Council will take all reasonable steps to ensure that personal information is accurate before using it.

- **PPIPA Principle 10 – Limited**

Council will only use personal information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which the individual has given consent. Personal information can also be used without the individuals consent in order to prevent or lessen a serious and imminent threat to any person's health or safety.

- **PPIPA Principle 11 – Restricted**

Council will only disclose personal information with the individual's consent or if they are informed at the time of collection that it would be disclosed. Council may also disclose personal information if it is for a related purpose and it is considered that the individual would not object. Personal information can also be used without consent to prevent a serious and imminent threat to any person's health or safety.

- **PPIPA Principle 12 – Safeguarded**

Council cannot disclose sensitive personal information without consent, for example information about an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. Council is only allowed to disclose sensitive information without an individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

3.1 Personal Information

Part 1 (4) Section 4 of the *Privacy and Personal Information Protection Act 1998* (PPIPA) defines personal information as "information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion". Examples of personal information that Council may collect include names and addresses of residents.

3.1.1 Access to Personal and Health Information

Individuals can seek access to view or amend their own personal and health information under Section 14 of the PPIPA and Section 26 of the *Health Records Information and Privacy Act 2002* (HRIPA). Forms are available in Council's Privacy Management Plan, on Council's website, or details can be sought direct from Council. Proof of identity is required to access and/or amend personal or health information. All requests should be addressed to:

The Privacy Officer
Griffith City Council
PO Box 485
Griffith NSW 2680

Another means to view personal information held by Council is for the individual to submit a GIPA application in accordance with Council's Access to Information Policy GOV-CP-605.

3.1.2 Collecting personal information

Council only collects personal information for a lawful purpose which is directly related to a function or activity of Council and where the collection of the information is reasonably necessary for that purpose.

Council will collect personal information directly unless collection of the information from someone else has been authorised, or in the case of information relating to a

person who is under the age of 16 years the information has been provided by a parent or guardian of that person. Council may also collect personal information indirectly where this is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred or where exemptions under the PPIPA apply.

Before personal information is collected or as soon as practicable after collection, Council will take reasonable steps in the circumstances to ensure there is notification of the following:

- the fact that personal information is being collected;
- the purposes for which the information is being collected;
- the intended recipients of the information;
- whether the supply of the information is required by law or is voluntary and any consequences if the information (or any part of it) is not provided;
- right to access and correct your information;
- Council's contact details

Council will take all steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that the information collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and that the collection of the information does not intrude to an unreasonable extent on personal affairs.

Information can be forwarded to Council either electronically or as a hard copy document. Information collected will be used for the purposes for which it was provided.

Council websites affiliated with www.griffith.nsw.gov.au do not use cookies to collect personal information.

3.1.3 Retention and Security of Personal Information

Council will take reasonable steps to enable a person to ascertain whether Council holds personal information about them.

If Council holds personal information about an individual, Council will inform the individual as to:

- (i) the nature of that information, and
- (ii) the main purposes for which the information is used, and
- (iii) entitlement to gain access to that information.

Council will ensure;

- that personal information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and

- that personal information is disposed of securely end in accordance with any requirements for the retention and disposal of personal information, and
- that personal information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- that, if it is necessary for an individual's personal information to be given to a person in connection with the provision of a service to Council, every reasonable effort is carried out to prevent unauthorised use or disclosure of information.

When using the Council website, it is acknowledged that no data transmission over the internet is 100% secure. Council strives to protect personal information from misuse, loss and unauthorised access. However, it is acknowledged that Council cannot guarantee the security of any information transmitted over the internet. Once Council receives a transmission, Council will take reasonable commercial steps to ensure its security.

Council provides access to other websites by way of hyperlinks. Those websites are not subject to our privacy policy.

3.1.4 Alteration of personal information

Council will upon written request by, make appropriate amendments (whether by way of corrections, deletions, or additions) to ensure that your personal information is accurate and having regard to the purpose for which information was collected (or is to be used) and to any purpose that is directly related to that purpose is relevant, up to date, complete and not misleading.

Should Council decide not to amend personal information in accordance with a request, Council will, if requested, take reasonable steps to attach information in a manner which is capable of being read, any statement provided of the amendment sought.

3.1.5 Use of personal information

Council will not use personal information without ensuring that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading. Council will not use information for a purpose other than that for which it was collected unless:

- there is consent to the use of the information for that other purpose; or
- the other purpose for which the information is used is directly related to the purpose for which the information was collected; or
- the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to life or health

Council may however use personal information for a purpose other than the purpose for which it was collected in the following circumstances;

- where use is in pursuance of Council's lawful and proper functions and Council are satisfied that the personal information is reasonably necessary for the exercise of those functions; or
- where personal information is to be used for the purpose of conferring an award, prize, benefit or similar form of personal recognition.

3.1.6 Will personal information be disclosed to a third party?

Council will not disclose information to another person or body unless:

- the disclosure is directly related to the purpose for which the information was collected and Council have no reason to believe there would be objection to such disclosure; or
- It is reasonably likely the individual would be aware or have been made aware that information of that kind is usually disclosed to that other person or body; or
- Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious or imminent threat to life or health.

Council will not disclose personal information relating to ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to life or health.

Council will not disclose personal information to any person or body that is in a jurisdiction outside New South Wales unless:

- a relevant privacy law (as determined by the Privacy Commissioner, by notice published in the Gazette to be a privacy law for the jurisdiction concerned) that applies to the personal information concerned is in force in that jurisdiction; or
- the disclosure is permitted under a privacy code of practice.

Council may disclose personal information to public sector agencies or public utilities when:

- the agency has made a written request and Council are satisfied that the information is to be used by that agency for the proper and lawful function of that agency and that the personal information is reasonably necessary for the exercise of that agency's functions.
- for the purpose of conferring an award, prize, benefit or similar form of personal recognition.
- where Council are requested by a potential employer to verify that a current or former employee works or has worked for Council, the duration of that work and the position occupied during that time.
- for research purposes in accordance with a direction made by the Privacy Commissioner.

3.2 Public Registers

Part 1(3) Section 3 of the PPIPA defines a public register as “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). Examples of public registers which Council holds include but are not limited to the following

- Land Register
- Records of Approvals
- Register of Pecuniary Interests
- Rates Record

Council will not disclose personal information kept in a public register unless Council are satisfied that the information is to be used for a purpose relating to the purpose of the Register, or the Act under which the Register is kept. To help Council establish whether this is the case, Council may require that when an application is made, to inspect personal information contained in the public register that particulars are given, in the form of a statutory declaration, as to the intended use of any information obtained from the Inspection.

3.3 Changes to the Privacy Policy

Council reserves the right to change this privacy policy at any time by resolution. The varied terms will apply from the date they are adopted by Council.

3.4 Requesting a Review

An internal review can be requested from Council in relation to a privacy matter or against a decision, where requested in writing, addressed to the General Manager.

Alternatively, a complaint may be made to the Privacy Commissioner.

If the person is not satisfied with the internal review, or it is not completed within 60 days, an application can be made to the NSW Civil & Administrative Tribunal (NCAT).

The Information and Privacy Commissioner can be contacted at:

Email: ipcinfo@ipc.nsw.gov.au
Phone: 1800 472 679
Mail: GPO Box 7011
Sydney NSW 2001
Office: Level 17
201 Elizabeth Street
Sydney NSW 2000
Website: <http://www.ipc.nsw.gov.au>

Information about NCAT is available on the following website <http://www.ncat.nsw.gov.au>

3.5 Contact Details

Any queries or complaints relating to the collection, use or management of personal information should be directed to:

The Privacy Officer
Griffith City Council
PO Box 485
Griffith NSW 2680

4 Definitions

PPIPA	<i>Privacy & Personal Information Protection Act 1998</i>
GIPAA	<i>Government Information (Public Access) Act 2009</i>
HRIPA	<i>Health Records Information and Privacy Act 2002</i>

5 Exceptions

Nil

6 Legislation

Privacy & Personal Information Protection Act 1998 (PPIPA)
Government Information (Public Access) Act 2009 (GIPAA)
Health Records Information and Privacy Act 2002 (HRIPA)

7 Related Documents

Privacy Management Plan
Information Guide

8 Directorate

Economic & Organisational Development