

PRIVACY POLICY

POLICY OBJECTIVE

To safeguard personal information held by Wentworth Shire Council (Council) and explain how personal information is dealt with by Council.

1. POLICY STATEMENT

The intent of this policy is to ensure that Council will comply with the Information Protection Principles set out in the *Privacy and Personal Information Protection Act 1998 (NSW)*, as modified by the Privacy Code of Practice for Local Government and the *Health Records and Information Privacy Act 2002 (NSW)*.

Council considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual’s right to privacy.

2. POLICY COVERAGE

This policy applies to Councillors and members of staff of Council.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged.

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Wentworth Shire Council
GIPA Act	<i>Government Information (Public Access) Act 2009 (NSW)</i>
HRIP Act	<i>Health Records and Information Privacy Act 2002 (NSW)</i>
PPIA Act	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
Personal Information	Any information or opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This includes records containing names, addresses, sex or other personal details, or physical information like fingerprints, body samples or DNA
Health Information	<ul style="list-style-type: none"> • the physical, mental or psychological health of an individual • a disability of an individual • an individual’s expressed wishes about the future provision of health services to him or her • a health service provided, or to be provided, to an individual that is also personal information • other personal information collected to provide, or in providing, a health service to an individual

5. POLICY CONTENT

It is the policy of this Council that:

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Council will apply the following general principles, based on the 12 information Protection Principles and the 15 Health Privacy Principles outlined in the relevant legislation. Modifications and exceptions to the following general principles are set out in detail in Council's Privacy Management Plan:

General Principles

Collection of Information:

- Council will only collect personal information for a lawful purpose;
- Council will only collect personal information if it is directly related to Council's activities and necessary for that purpose;
- Council will ensure that the personal information is relevant, accurate and up to date and not excessive;
- Council will ensure that the collection does not unreasonably intrude into the personal affairs of the individual;
- Council will only collect personal information directly from the person concerned, unless it is unreasonable or impracticable to do so;
- Council will inform the person as to why it is collecting personal information about them, what it will do with the information, and who else might see it;
- Council will tell the individual how they can see and correct their personal information, and any consequences if they decide not to provide their information to Council; and
- If Council collects personal information about a person from someone else, it will take reasonable steps to ensure that the individual has been notified as set out above.

Storage of Information

- Council will ensure that personal information is stored securely, not kept any longer than necessary, and disposed of appropriately; and
- Personal information will be protected from unauthorised access, use or disclosure.

Access and Accuracy

- Council will explain to the individual what personal information about them is being stored, why it is being used and any rights they have to access it;
- Council will allow people to access their personal information without unreasonable delay or expense;
- Council will allow people to update, correct or amend their personal information where necessary; and
- Council will ensure that the personal information is relevant and accurate before using it.

Use

- Council will generally only use personal information for the purpose for which it was collected, or a directly related purpose that the person would expect; and
- Should Council wish to use personal information for a purpose other than that for which it was collected, it will seek the consent of the individual where reasonably practicable.

Disclosure

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- Council will generally only disclose personal information for the purpose for which it was collected, or a directly related purpose that the individual would expect;
- Should Council wish to disclose personal information for a purpose other than for which it was collected, it will seek the consent of the individual where reasonably practicable; and
- Requests for access to Government Information lodged under GPIA can be refused if there is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:
 - Reveals an individual's personal information; or
 - Contravenes an information protection principle under the PPIA Act or a Health Privacy Principle under the HRIP Act.

Identifiers and Anonymity

- In using health information, Council will only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable Council to carry out any of its functions efficiently.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Public Interest Disclosure Act 1994 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*
- *State Records Act 1998 (NSW)*

Council Policies

- GOV004 – Internal Reporting Policy
- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)

7. ATTACHMENTS

Nil.

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8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 29 June 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: 

30 June 2022

General Manager Wentworth Shire Council

Date