


SECTION 1 Service Management  
 PART 4 Responsibilities of Council

	<b>POLICY NO:</b>	1.4.7 (v2)
	<b>POLICY TITLE:</b>	PRIVACY MANAGEMENT
	<b>DATE ADOPTED:</b>	20/06/2011
	<b>RESOLUTION NO:</b>	272/2011
	<b>SUPERCEDES:</b>	1.4.7
	<b>PROPOSED REVIEW DATE:</b>	20/06/2012

**BACKGROUND**

In order for Bourke Shire Council to comply with the requirements of the Privacy and Personal Protection Act 1998, Council is required to develop a Privacy Management Plan.

For the purposes of this policy and for the Privacy Management Plan, Personal Information is defined as “any information about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion”.

**POLICY**

Bourke Shire Council respects the privacy of individuals through the management and protection of their personal information held by Council, and implement a Privacy Management Plan in accordance with the requirements of Section 33 of the Privacy and Personal Protection (PPIP) Act 1998.

The plan be read in conjunction with the PPIP Act, the Privacy Code of Practice for Local Government and the Health Records and Information Privacy (HRIP) Act 2002.

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VERIFIED BY: ..... VERIFIED BY:

**BOURKE SHIRE COUNCIL**  
**PRIVACY MANAGEMENT PLAN**

**PRIVACY PRINCIPLES**

*(Part 2, Division 1, Sections 8-19 inclusive, PPIP Act)*

**1. Bourke Shire Council will not collect personal information unless:-**

- 1.1 information is collected for a lawful purpose that is directly related to a function or activity of Council; and
- 1.2 the collection of the information is reasonably necessary for that purpose

Council will not collect personal information by any unlawful means. Council will collect and deliver personal information to and from Government Departments involved in the normal functions of Council's operations.

Council will continue the practice of dealing with the NSW Department of Community Services (DoCS) for enquiries on personnel and recruitment matters, ie for pre employment screening of people working with children (Children & Young Peoples Act).

Council will use any personal information for a variety of purposes within its departments, as on most occasions the information was collected for one main purpose, it may be used for a variety of other purposes. For example, the name and addresses of individual owners of property are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status, as well as being the basis of the Rating and Valuation Register.

**2. When collecting personal information, Council will collect information only from the individual to whom the information relates, unless:-**

- 2.1 the individual has authorised collection from someone else, or
- 2.2 the information has been provided by a parent or guardian of a person under the age of 16, or incapacitated by disability or age

**3. When Council collects personal information about an individual, that person will be notified of:-**

- 3.1 the fact that the information is being collected
- 3.2 the purposes for which the information is collected
- 3.3 the intended recipients of the information
- 3.4 whether the supply of the information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided
- 3.5 the existence of any right of access to, and correction of the information; and
- 3.6 Council's name and address, and 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.

**4. Council will take reasonable steps to ensure that:-**

- 4.1 information collected is relevant to a purpose, is not excessive, and is accurate, up to date, and complete; and
- 4.2 the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates

Council may release information to a public inquiry under Section 12 of the Local Government Act.

**5. With regards to the retention and security of personal information, Council will ensure:-**

- 5.1 that information is used for a lawful purpose and is kept for no longer than is necessary
- 5.2 that the information will be disposed of securely
- 5.3 that the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances); and
- 5.4 if it is necessary to release the information to a person in connection with the provision of a service to Council, everything reasonable is done to prevent unauthorised use or disclosure of the information

Council's Records Staff will, in accordance with approved Records Management Disposal Schedule, carry out the culling and destruction of records.

The Records Disposal Schedule will be made available for public inspection.

**6. If Council holds personal information about any individual, it must take the necessary steps to enable any person to ascertain:-**

- 6.1 whether Council holds personal information
- 6.2 whether Council holds personal information relating to that person; and
- 6.3 if Council holds personal information relating to that person:-
  - 6.3.1 the nature of that information
  - 6.3.2 the main purposes that the information is being used; and
  - 6.3.3 that person's entitlement to gain access to that information

Principle 6 is subject to the Freedom of Information provisions.

**7. At the request of an individual, Council will provide without excessive delay and expense, details of the personal information it holds that relate to that individual.**

Employees should enquire with the Payroll / Personnel Officer to access their employee records.

**8. Any person, who is concerned with the inaccuracy or unacceptable use of their personal information kept by Council, may request in writing, that amendments be made to that information.**

Personal information must be used for the purpose that it was collected and used to any purpose that is directly related to that purpose. It must be relevant, up to date, complete and not misleading.

Principle 8 is subject to the Freedom of Information provisions.

Council has an obligation to take such steps to amend personal information where necessary. If Council decides that it will not amend the information, it must add the additional 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.

Incorrect records will be physically altered, whether computerised or in hard copy form. The Privacy Contact officer will approve required changes where applicable. FOI applications may not be required where an individual can prove mistakes quickly.

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

**10. Council will not use personal information for a purpose other than for which it was collected, unless:-**

- 10.1 The individual to whom the information relates has consented to the use of the information for that other purpose; or
- 10.2 The other purpose for which the information is used is directly related to the purpose for which it was collected; or
- 10.3 The use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or that of another person

Officers using relevant personal information will not notify individuals for approval to perform usual office functions.

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.

**11. Council will take reasonable care not to disclose personal information, unless:-**

- 11.1 the disclosure is directly related to the purpose for which it was collected and there is not reason to believe the individual concerned would object; or
- 11.2 the individual has been made aware that this kind of information is unusually released; or
- 11.3 disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or that of another person

Section 12 of the Local Government Act and the provisions of the Freedom of Information Act override the restrictions on disclosure of personal information. Council must make records available for inspection and/or copy, and may be available subject to the public interest test.

**12. Council will take reasonable care not to disclose personal information that:-**

- 12.1 relates to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership, health, 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 that of another person; or
- 12.2 relates to any enquiry from anyone outside the state of New South Wales, unless:-
  - 12.2.1 a relevant privacy law applies to personal information in force in that jurisdiction; or
  - 12.2.2 the disclosure is permitted under a privacy code of practice (law determined by the Privacy Commissioner and published in the Government Gazette)

Section 12 of the Local Government Act overrides the restrictions on disclosure of personal information. Council must make records available for public inspection and/or copy and may be available subject to the public interest test.

Council may release exempt documents under Section 12(6) Local Government Act under the Freedom of Information Act, following the application process and the payment of the fee. Council will deal with the disclosure of personal information contained on Council files and computer records under the provision of these Acts.

**HEALTH RECORDS AND INFORMATION PRIVACY ACT 2002, NO 71**

Council will comply with the requirements of the HRIP Act when dealing with health records and information it holds on an individual.

**RELATED POLICIES**