

**PRIVACY POLICY**

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<b>RESPONSIBLE OFFICER</b>		General Manager	

# PART 1: INTRODUCTION

In order for Council to undertake many of its functions it is necessary to collect personal and health information from Councillors, Council staff, volunteers, contractors and customers.

Council respects the privacy of the above stakeholders and has developed this policy to accord 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.

## 1.1 Scope of Policy

This policy applies to all personal or health information collected, maintained and/or used by Council staff, Councillors, contractors and volunteers of Council.

## 1.2 Policy Objectives

The objectives of this policy are:

- Ensure that Council deals with personal and health information in a manner which complies with the requirement of the legislation, and ensures protection of privacy
- Ensure that customers, Councillors, staff, contractors and other stakeholders are aware of their rights with regard to personal or health information collected by Riverina Water County Council.

## 1.3 Definitions

**Personal Information-** is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a data base and does not necessarily have to be recorded in material form.

**Health Information-** is a specific type of personal information. Health information includes personal information that is information or an opinion about the physical or mental health or disability of an individual.

**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)

**Privacy Management Plan-** regulates the collection, use and disclosure of, and the procedures for dealing with, personal information held by Council

## **1.4 Legislative Context**

Privacy and Personal Information Protection Act 1998 (PPIPA)  
Health Records Information and Privacy Act 2002 (HRIPA)  
Government Information (Public Access) Act 2009 (GIPAA)  
Privacy Code of Practice for Local Government

## **1.5 Related Documents**

Pol 1.18 Records Management Policy  
Pol 1.21 Privacy Management Plan  
IP 3.17 Access to Personal File Policy

# **PART 2- : POLICY**

## **2.0 Statement**

Riverina Water County Council is committed to ensuring the adequate protection of all personal and health information that is collected and held by Council.

As part of this intent Council will apply the following general principles, based on the 12 Information Protection Principles and the 15 Health Privacy Principles as specified in the relevant legislation:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information
- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

The first 9 principles as outlined under the PPIP Act also apply to the collection, use and storage of an individual's health information as well as the following:

- Principle 10 Limits on use of health information
- Principle 11 Limits on disclosure of health information
- Principle 12 Identifiers
- Principle 13 Anonymity
- Principle 14 Transborder data flows and data flow to Commonwealth agencies.
- Principle 15 Linkage of Health Records

## **2.1 Access to personal and Health Information**

Individuals can seek access to review or amend their own personal and health information under Section 14 of PPIPA and Section 26 of 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.

## **2.2 Disclosure of Personal Information**

Disclosure of personal information in Public Registers and other Council Registers to third parties is covered in Council's Privacy Management Plan in more detail. Council will comply with the relevant legislation and Privacy Code of Practice in regards to the disclosure of Privacy Information. Personal information will be provided at Council's discretion, only where it would be in the public interest to do so.

## **2.3 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. The contact number for the Commission is (02) 8019 1600 and email address is [privacyinfo@privacy.nsw.gov.au](mailto:privacyinfo@privacy.nsw.gov.au)

# **PART 3: POLICY IMPLEMENTATION GUIDELINES**

The principles set out in this policy will be implemented through the provisions of Council's Privacy Management Plan.