

Council Policy NB-P-23

Privacy

Purpose

The purpose of this policy is to state Council's commitment to protecting and appropriately managing the personal information and health information that Council collects from individuals.

Principles

When Council collects personal information and health information, Council must comply with legislative requirements which include the following principles:

- personal information must be collected for a lawful purpose
- personal information must be collected directly from the person to whom the information relates or from someone authorised to provide the information
- the person to whom the information relates must be advised prior to collection or as soon as possible after collection that the information is being collected, the purposes for which it is being collected, the intended recipients of the information and whether the supply of the information is required by law or is voluntary and if there are any consequences to not providing it
- Council must take reasonable steps to ensure that the personal information collected is relevant to the purpose for which it is collected, accurate, complete, up-to-date and not excessive
- the information is kept for no longer than is necessary, is disposed of securely and in accordance with legislative requirements and is protected, by taking required security safeguards to prevent unauthorised disclosure or misuse
- at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information
- the information will only be used and/or disclosed in accordance with applicable legislation.

Personal information and health information collected by Northern Beaches Council will be:

- managed according to and in compliance with the *Privacy and Personal Information Protection Act 1998*, *Health Records and Information Privacy Act 2002*, *Government Information (Public Access) Act 2009* and the *Local Government Act 1993*
- managed according to Council's Privacy Management Plan
- managed in compliance with the legal obligations under the Information Protection Principles (IPP) and Health Protection Principles (HPP) in relation to the collection, storage, use and disclosure of personal information and health information
- subject to the NSW Mandatory Notification of Data Breach (MNDB) Scheme.

Council's Chief Executive Officer shall prepare a 'Privacy Management Plan' and a 'Data Breach Policy' (as Tier 2 or 3 documents under Council's Policy Framework) in accordance with the *Privacy and Personal Information Protection Act 1998*.

Scope and application

This policy applies to:

- all employees
- agents and officers
- Councillors

of Northern Beaches Council.

References and related documents

- [Privacy and Personal Information Protection Act 1998](#)
- [Health Records and Information Privacy Act 2002](#)
- [Privacy Code of Practice for Local Government](#)
- [Northern Beaches Council Code of Conduct](#)
- [Northern Beaches Council Policy Framework](#)

Definitions

Personal Information:

Information or an opinion about a person whose identity is apparent or can be reasonably ascertained from the information or opinion, as defined in the *Privacy and Personal Information Protection Act 1998*.

Health Information:

Information or an opinion about:

- the physical or mental health or a disability of a person
- a person's express wishes about the future provision of health services to him or her
- a health service provided, or to be provided, to a person.

as well as other personal information including personal information:

- collected to provide, or in providing, a health service
- collected in connection with the donation, or intended donation, of a person's body parts, organs or body substances
- that is genetic information about a person arising from a health service provided to the person in a form that is or could be predictive of the health (at any time) of the person or of a genetic relative of the person

as defined in the *Health Records and Information Privacy Act 2002*.

Privacy Management Plan:

The Privacy Management Plan required by Council under section 33 of the *Privacy and Personal Information Protection Act 1998*.

Mandatory Notification of Data Breach Scheme:

The NSW Mandatory Notification of Data Breach scheme set out in Part 6A of the *Privacy and Personal Information Protection Act 1998*.

Responsible Officer

Chief Information Officer

Review Date

March 2027

Revision History

Revision	Date	Change	HPE CM Ref
1	25/07/2017	Policy adopted by Council with no changes following exhibition	2017/128385
2	28/09/2021	Policy reviewed with minor changes	2021/683374
3	30/04/2024	Policy adopted by Council with changes as per marked up version 2024/233420.	2024/322160
4	14/05/2024	Policy Framework reference number allocated – NB-P-23	2024/233421