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| POLICY: - | |
| Policy Title: | Privacy Policy |
| File Reference: | F13/77-06 |
| Date Policy was adopted by Council initially: | 18 November 2010 |
| Resolution Number: | 438/10 |
| Other Review Dates: | 18 November 2010, 18 April 2013, 15 June 2017 and 21 October 2021 |
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| Current Policy adopted by Council: | 20 November 2025 |
| Resolution Number: | 208/25 |
| Next Policy Review Date: | 2028 |

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| PROCEDURES/GUIDELINES: - | |
| Date procedure / guideline was developed: | N/A |
| Procedure/guideline reference number: | N/A |

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| RESPONSIBILITY: - | |
| Draft Policy developed by: | Manager Governance |
| Committee/s (if any) consulted in the development of this Policy: | N/A |
| Responsibility for implementation: | Manager Governance |
| Responsibility for review of Policy: | Director of Finance and Administration |

1. APPLICATION

This policy outlines how Upper Lachlan Shire Council will comply with its obligations under the *Privacy and Personal Information Protection Act 1998* (PIIP Act), and the *Health Records and Information Privacy Act 2002* (HRIP Act).

This policy applies to all personal information collected, maintained, and/or used by Council.

2. DEFINITIONS

Personal Information

Personal information is defined in the PIIP Act as “information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion”. This includes personal information relating to both clients of Council and Council staff.

Personal information includes a person’s name, address, family life, sexual preferences, financial information, ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership and photos. For the purposes of this policy, personal information includes health information where relevant.

In some cases, information may not be classed as personal information, even though it falls within the above categories. This includes information about someone who has been dead for 30 years, or information about someone that is publicly available.

Sensitive Information

Certain personal information can be classed as sensitive information. These include information or opinion about an individual’s racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

Health Information

This is information about:-

- The physical, mental, or psychological health of an individual; or
- A disability of an individual; or
- An individual’s expressed wishes about the future provision of health services to him or her; or
- A health service provided, or to be provided, to an individual that is also personal information; or
- Other personal information collected to provide, or in providing, a health service to an individual.

3. LEGISLATIVE PERSPECTIVE

The *PPIP Act* provides for the protection of personal information and the protection of an individual's privacy. Section 33 of the PPIP Act requires all councils to prepare a Privacy Management Plan to address:-

- The development of policies and practices that ensure compliance with the requirements of the PPIP Act;
- The dissemination of those policies and practices to Council officials;
- The procedures that Council proposes for internal review of privacy complaints;
- Such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

Upper Lachlan Shire Council's Privacy Management Plan is a separate document and is reviewed periodically.

4. PRINCIPLES

Information Protection Principles

The PPIP Act list 12 Information Protection Principles that guides the handling of personal information. These principles cover the collection, storage, access and accuracy, use and disclosure of personal information.

Council will uphold all 12 principles in managing personal information. Council's approach to applying these principles is detailed in Council's Privacy Management Plan.

5. RESPONSIBILITIES

5.1 The Chief Executive Officer

The Chief Executive Officer is responsible to:-

- a) Implement the *Privacy Code of Practice for Local Government*;
- b) Ensure that Council has adopted and implemented a Privacy Management Plan;
- c) Delegate the duties of Privacy Contact Officer to a suitably qualified Council Officer;
- d) Ensure that all Council employees, delegates and volunteers comply with Council's Privacy Policy and Privacy Management Plan;
- e) Receive complaints relating to privacy matters and direct them to Council's Privacy Contact Officer.

5.2 Privacy Contact Officer

The Privacy Contact Officer is designated as the Manager Governance. The Privacy Contact Officer will:-

- a) Review all complaints received by Council in respect of the protection and obligations arising for Council under the *Privacy and Personal Information Protection Act 1998*;
- b) Ensure that Council's Privacy Policy and Privacy Management Plan are reviewed and updated as required, but not less than every three years;
- c) Respond to questions or written communications concerning the application of this *Code*.

5.3 Councillors and Employees

All Councillors and employees will abide by the provisions of this policy and the Privacy Management Plan and relevant privacy legislation.

6. MAKING A COMPLAINT

Complainants regarding the handling of personal information can be made to Council, through the Complaints Coordinator via email at complaint@upperlachlan.nsw.gov.au

Alternatively, a privacy complaint may also be lodged with the NSW Civil and Administrative Tribunal and the Information and Privacy Commission NSW using the following contact details.

NSW Civil and Administrative Tribunal (NCAT)
PO Box K1026
HAYMARKET NSW 1240
Telephone: 1300 555 727
Email: aeod@ncat.nsw.gov.au

Information and Privacy Commission NSW
GPO Box 7011
SYDNEY NSW 2001
Telephone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au

7. NON-COMPLIANCE WITH THIS POLICY

Failure to comply with the terms of this policy may result in disciplinary actions ranging from a warning to termination of employment.

Individuals also risk prosecution if they breach the *PPIP Act*.

8. REVIEW

This policy will be reviewed every three years to ensure that Council remains up to date with its privacy obligations.

9. ASSOCIATED LEGISLATION, COUNCIL POLICIES & DOCUMENTS

1. *Privacy and Personal Information Protection Act 1998;*
2. *Health Records and Information Privacy Act 2002;*
3. *Government Information (Public Access) Act 2009;*
4. *Public Interest Disclosures Act 2022;*
5. *State Records Act 1998;*
6. *Work Health and Safety Act 2011;*
7. Privacy Management Plan;
8. Records Management Policy;
9. Public Interest Disclosure Policy;
10. Government Information (Public Access) Policy;
11. Code of Conduct;
12. Any other relevant legislation and guidelines as applicable.

10. VARIATION

Council reserves the right to vary or revoke this policy.