

## Council Policy

### Privacy

#### Policy Statement

Council is committed to:

- protecting the personal information that Council collects from individuals
- managing personal information in accordance with the [Information Protection Principles](#) (IPPs).

#### Principles

The IPPs define the legal obligations that Council must comply with in relation to the management of personal information. They relate to the collection, storage, use and disclosure of personal information.

#### Collecting Personal Information

Council collects personal information for business purposes in order to provide services to the community. When Council collects personal information, the following applies:

- 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, why it is being collected, and who will be storing and using it
- the personal information must be relevant, accurate, complete, up-to-date and not excessive
- when collecting personal information, the person from whom the information is being collected must be informed if the information is required by law or is voluntary and if there are any consequences to not providing it.

#### Privacy Protection Notice

Council must include a Privacy Protection Notice in all forms and correspondence that result in the collection of personal information to ensure that people are aware that their personal information is being collected. The Privacy Protection Notice must advise the following:

- that the information is being collected
- the purposes for which the information is being collected
- the intended recipients of the information
- whether the supply of personal information is required by law or is voluntary, and any consequences for the personal if the information (or any part of it) is not provided
- the existence of any right of access to, and correction of, the information
- Council's name and address as the agency that is collecting and holding the information.

#### Personal Information about Children

Council collects personal information about children and youths. Whether a child or youth has the capacity to make his or her own privacy decisions will be assessed on a case-by-case basis.

For any person who are under 18 years of age, or who otherwise does not have capacity to make these decisions, or where we cannot make an assessment of their capacity, Council will manage requests for access, consent and notices in relation to personal information via a parent and/or guardian. Council will treat consent given by a parent and/or guardian as consent given on behalf of the person.

### Storing Personal Information

Council must store personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use, modification or disclosure.

### Using Personal Information

When using personal information, it must be used for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, the consent of the person to whom the information relates is required.

The information must be relevant, accurate and up to date before being used.

### Accessing Personal Information

Council must allow the person to whom the information relates to access their personal information without excessive delay or expense and allow them to update, correct or amend their personal information.

### Limitations on Access and Amendments to Personal and Health Information

A person is only entitled to access their own personal and health information with the following exceptions:

- if the person to whom the information relates has advised Council in writing to provide access to another person
- if the person to whom the personal information relates is incapable of accessing the information themselves and another person has been authorised to do so
- if a serious or imminent threat to life or serious health and safety can be avoided through the release of personal information.

### Disclosing Personal Information

Council can not disclose sensitive personal information without consent.

Other personal information can only be disclosed in limited circumstances. Disclosure requires consent unless the person was advised that it would be disclosed at the time, or as soon as possible after the time of collection or if the disclosure is directly related to the purpose for which it was collected and it could be assumed the person would not object or if the disclosure is required to prevent a serious and imminent threat to any person's health or safety.

If a person believes the disclosure of their contact details would place them or their family at risk, they can request their contact details be withheld from public view.

In the case of a submission in response to a development application, the submission will be made confidential or published with personal information redacted at the request of the submitter. In addition, email addresses and phone numbers will be redacted from all submissions prior to publication to Council's website without the need for the submitter to make this request.

### **Scope & Application**

This policy applies to all employees, agents and officers of Northern Beaches Council, including Councillors.

### **References and related documents**

- [Government Information \(Public Access\) Act 2009 \(NSW\)](#)
- [Privacy and Personal Information Protection Act](#)
- [Privacy Act 1988 \(Commonwealth\)](#)

- [National Privacy Principles \(Commonwealth\)](#)
- [Privacy Code of Practice for Local Government](#)

## Definitions

### *Personal Information:*

Information or an opinion about a person whose identity is apparent or can be reasonably ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in written form.

Personal information does not include information about a person that is contained in a publicly available publication.

### *Health Information:*

Information or an opinion about:

- the physical or mental health or a disability of a person
- an 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.

Other personal information collected:

- to provide, or in providing, a health service
- in connection with the donation, or intended donation, of an person's body parts, organs or body substances
- regarding 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.

## Responsible Officer

Chief Information Officer

## Review Date

May 2021

## 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
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