

Privacy Management Plan

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City of
Newcastle

Table of Contents

Part A Preliminary.....	1
1 Purpose.....	1
2 Scope.....	1
3 Principles.....	1
Part B Personal Information.....	1
4 What is personal information?	1
5 What is health information?	2
6 What types of personal information are held by CN?	2
Part C Roles and responsibilities.....	3
7 Chief Executive Officer	3
8 Privacy Contact Officer.....	3
9 Privacy Champions	4
10 Records and Information Coordinator.....	4
11 All CN Officials	4
Part D Registers.....	4
12 What is a public register?	4
13 What public registers are held by CN?	5
14 How can personal information held in registers be accessed?.....	5
Part E Collection and storage of personal information	6
15 Principles.....	6
16 Online activity.....	7
17 Data Breach	7
18 Unsolicited information	7
Part F Access and accuracy of personal information.....	8
19 How does CN provide access to, and ensure the accuracy of, personal information? 8	
20 How can an individual request that their personal information is suppressed?	8
Part G Use of personal information.....	9
21 How does CN use personal information?.....	9
22 Further Health Information Privacy Principles	10
23 Offences under the PPIP Act and HRIP Act	10
Part H Review of CN's disclosure of personal information.....	11
24 Review by CN (internal review)	11
25 Alternatives to internal review.....	12
26 Further information	12

Annexure A - Privacy Champions	13
Annexure B - Definitions	14
Annexure C - Plan Authorisations	15
Annexure D - Statutory Declaration	16
Annexure E - Statutory Declaration	17
Annexure F - Privacy disclaimer (Example only)	18
Document Control.....	19

Part A Preliminary

1 Purpose

- 1.1 The purpose of this Plan is to provide information about how City of Newcastle (CN) collects, stores, retains, accesses, discloses and disposes personal and health information in accordance with the:
- 1.1.1 [Privacy and Personal Information Protection Act 1998 \(NSW\)](#) (PIIP Act) and [Information Protection Principles \(IPP\)](#);
 - 1.1.2 [Health Records and Information Privacy Act 2002 \(NSW\)](#) (HRIP Act) and [Health Privacy Principles \(HPP\)](#);
 - 1.1.3 [Government Information \(Public Access\) Act 2009 \(NSW\)](#) (GIPA Act);
 - 1.1.4 [State Records Act 1998 \(NSW\)](#) and
 - 1.1.5 [Privacy Code of Practice for Local Government](#).

Under section 33 of PPIP Act, CN is required to prepare a Privacy Management Plan.

2 Scope

- 2.1 This Plan applies to all CN Officials.

3 Principles

- 3.1 In addition to the principles set out in the PPIP Act, CN commits itself to the following:
- 3.1.1 **Accountability and transparency** – in the approach CN fulfils its obligations regarding the handling of personal and health information.
 - 3.1.2 **Open and accessible** - government information through the highest level of public disclosure regarding all dealings with CN Officials whilst meeting privacy protection obligations.
 - 3.1.3 **Transparency** – in decision making through the proactive provision of information people need to understand government planning and decision-making processes in order to participate in an informed way.

Part B Personal Information

4 What is personal information?

- 4.1 Personal information is defined under section 4 of the PPIP Act as:
- 4.1.1 information or an opinion;
 - 4.1.2 about an individual; and
 - 4.1.3 where the identity of the individual is apparent or can reasonably be ascertained from the information or opinion for example -personal information can include a person's name and address, details about their family life, financial information and photos.
- 4.2 Personal information can include information in a database and does not have to be recorded in a hard copy document.
- 4.3 Personal information does not include:
- 4.3.1 information about an individual that is contained in a publicly available publication such as:

- personal information in a newspaper, magazine or book that is distributed broadly to the public;
 - personal information on the internet; and
 - personal information in CN business papers that are available to the public;
- 4.3.2 information or an opinion about an individual's suitability for appointment or employment as a public sector official; and
- 4.3.3 information about an individual who has been dead for more than 30 years.
- 4.4 In this section, a reference to personal information is also a reference to health information under Section 5 and 6 of HRIP Act. (For more information, see [section 4 of the PPIP Act](#)).

5 What is health information?

- 5.1 Health information is a specific type of personal information as defined under section 6 of the HRIP Act as:
- 5.1.1 personal information that is information or an opinion about the physical or mental health or a disability (at any time) of an individual. Health information can include a psychological report, a blood test, an x-ray, death certificate, results from drug and alcohol tests, and information about a person's medical appointments.

(For more information, see [section 6 of HRIP Act](#))

6 What types of personal information are held by CN?

- 6.1 CN holds personal information about **customers, ratepayers, residents and other third parties**. For example, personal information may be contained in the following records that are collected during CN's functions and activities:
- 6.1.1 Name and address contained in rates records and records of property ownership; (CN function - levying and collecting rates)
- 6.1.2 Name, contact details, signature contained in development applications and submissions; (CN function - assessing development applications and issuing consents)
- 6.1.3 Name, contact details, signature contained in road closure applications;
- 6.1.4 Name, contact details, signature contained in rezoning applications;
- 6.1.5 Name, contact details, signature contained in residential parking permit applications;
- 6.1.6 Name, contact details, details about their family life, photos contained in complaints made to CN; (CN function - investigating and managing complaints and allegations, including enforcement actions)
- 6.1.7 Name, contact details, credit card details and signature contained in membership applications for the Art Gallery, Library, Museum and CN events;
- 6.1.8 Name, contact details, immunisation details contained in children's attendance lists at CN owned childcare centre and other CN facilities (CN function - providing childcare services);
- 6.1.9 Name, contact details contained in right of burial transfer database (CN cemetery);
- 6.1.10 Name, contact details, signature and opinion contained in petitions;

- 6.1.11 Name, contact details contained in booking systems for community halls, CN parks and other facilities;
 - 6.1.12 Name, contact details, health information, photos contained Insurance claims (CN function -assessing insurance claim against CN); and
 - 6.1.13 Name, contact details and signature contained in contracts.
- 6.2 CN holds personal information about CN Officials. For example, personal information may be contained in the following records:
- 6.2.1 contact information, leave, salary in payroll database;
 - 6.2.2 performance management plans;
 - 6.2.3 complaints, investigations and disciplinary matters files;
 - 6.2.4 pecuniary interest returns; and
 - 6.2.5 various types of health information medical certificates and workers compensation claim records.
- 6.3 CN primarily holds personal information about individuals so it can perform its functions as local government authority as outlined in CN's information guide and sections 21-23A of the LGA. CN will not collect any more personal information than is reasonably necessary to fulfil these functions.

Part C Roles and responsibilities

7 Chief Executive Officer

- 7.1 The CEO is responsible for:
- 7.1.1 Ensuring this Plan is accurate and up to date.
 - 7.1.2 Ensuring CN meets its obligations under the PIPP Act, HRIP Act and this Plan.

8 Privacy Contact Officer

- 8.1 CN's Privacy Contact Officer is appointed by the CEO under **Annexure A** of this Plan.
- 8.2 The Privacy Contact Officer is responsible for:
- 8.2.1 Assisting the CEO to ensure CN's compliance with its obligations under the PIPP Act, HRIP Act and this Plan.
 - 8.2.2 Creating awareness about this Plan.
 - 8.2.3 Coordinating steps to ensure CN complies with the PPIP Act and HRIP Act.
 - 8.2.4 Coordinating requests for the suppression of personal information.
 - 8.2.5 Coordinating requests for internal reviews, including liaising with the Privacy Commissioner regarding internal reviews.
 - 8.2.6 Providing advice on matters relating to privacy and personal information.
 - 8.2.7 Ensuring the Plan and the following factsheets are available at CN's Customer Service Centre and on CN's website:
 - The Information Protection Principles (IPPs) explained for members of the public; and
 - The Health Privacy Principles (HPPs) explained for members of the public.

9 Privacy Champions

- 9.1 CN's Privacy Champions are appointed by Executive Managers from time to time.
- 9.2 Privacy Champions are responsible for:
 - 9.2.1 Creating awareness about this Plan, particularly in their Service Unit.
 - 9.2.2 Providing advice on matters relating to personal information, particularly in relation to the use of privacy disclaimers in their Service Unit.

10 Records and Information Coordinator

- 10.1 CN's Records and Information Coordinator is responsible for:
 - 10.1.1 Sentencing and culling time-expired records so that they are not retained for longer than their intended purpose, in accordance with CN's Records Management Policy

11 All CN Officials

- 11.1 All CN Officials are responsible for:
 - 11.1.1 Collecting, storing, accessing and disclosing personal information in accordance with this Plan and clauses relating to personal information contained in CN's Codes of Conduct.
 - 11.1.2 Maintaining the integrity and security of confidential information in accordance with the clauses relating to confidential information contained in CN's Codes of Conduct.
 - 11.1.3 Always including privacy disclaimers when collecting personal information.
 - 11.1.4 Undertaking relevant training as required to use this Plan and comply with privacy obligations.
 - 11.1.5 Seeking advice from the Privacy Champions or Privacy Contact Officer if they are unsure about a privacy issue.
 - 11.1.6 Not committing any offences under the PPIP Act and HRIP Act. These offences include conduct of CN Officials such as the corrupt disclosure and use of personal and health information by CN Officials inappropriately offering to supply personal or health information that has been disclosed unlawfully.
- 11.2 All CN Officials will be made aware of this Plan and CN's [Codes of Conduct](#), and their obligations:
 - 11.2.1 at induction; and
 - 11.2.2 through an ongoing awareness program including the completion of an e-learning training module or attendance at training sessions, where relevant.

Part D Registers

12 What is a public register?

- 12.1 A 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).
- 12.2 CN will not disclose any personal information kept in public registers unless CN is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept, or as authorised under the Code of Practice for Local government (2019).

13 What public registers are held by CN?

- 13.1 CN maintains a number of public registers, including:
- 13.2 Local Government Act: Register of delegations, Land register, Records of approvals, Political donations disclosure, Register of pecuniary interests
- 13.3 Environmental Planning and Assessment Act and Regulations: Register of planning agreements, Register of development applications, Register of consents and certificates, Register of contributions
- 13.4 Protection of the Environment Operations Act: Public register of licences
- 13.5 GIPA Act – Records of Open access information, Disclosure log of access applications, register of government contracts
- 13.6 Records of impounding – Impounding Act
- 13.7 A complete list is available on CN's website, and a full list of public registers is available in the Information Guide including access provisions. These public registers do not generally contain personal or health information.
- 13.8 If you require information that is not available on a register, please contact us by completing a request form or by telephoning (02) 4974 2000. The Privacy & Information Coordinator can be contacted directly on (02) 4974 2435 or by email at privacy@ncc.nsw.gov.au.

14 How can personal information held in registers be accessed?

- 14.1 Under Section 57 of the PPIP Act, before disclosing personal information contained in a register, CN must be satisfied that the individual requesting access to the personal information intends to use the information for a purpose related to the purpose of the register or the Act under which the register is kept.
- 14.2 An individual may request access to personal information contained in a register by:
 - 14.2.1 contacting the relevant area of CN; and
 - 14.2.2 completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which CN holds that public register (refer to the tables above for the purpose of registers). An example statutory declaration is provided at **Annexure C**.
- 14.3 CN can determine whether to provide a copy of the whole or part of a register depending on whether such a disclosure fits with the purpose for which it was collected.
- 14.4 If access is requested to personal information which is not contained in a public register, then CN must be satisfied that there is no overriding public interest against disclosure of that personal information under the GIPA Act.
- 14.5 An exemption to Section 57 of PPIP Act applies under the Privacy Code of Practice for Local government where CN may allow:
 - 14.5.1 any person to inspect a publicly available copy of a public register in council premises, and
 - 14.5.2 copy a single entry or a page of the register
- 14.6 Without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the Act under which the register is kept.

Part E Collection and storage of personal information

15 Principles

15.1 CN must collect and store personal information in accordance with the PPIP Act, HRIP Act, IPP (Information Privacy Principles) and HPP (Health Privacy Principles). The Privacy Code of Practice for Local government (2019) also allows changes to some IPP and provisions regarding public registers.

IPP 1 and HPP 1 – Lawful collection

15.2 Personal and health information must be collected for a lawful purpose which is directly related to CN's functions or activities and necessary for that purpose. For example, CN will collect personal and health information to assess a development application, investigate a complaint, or levy and collect rates.

IPP 2 and HPP 3 – Direct collection

15.3 Personal and health information must be collected directly from the individual concerned unless it is unreasonable or impractical to do so. For example, CN will collect personal and health information:

- 15.3.1 directly from a person to respond to a customer enquiry or complaint
- 15.3.2 indirectly from a parent or guardian about a child attending one of our childcares.

15.4 Personal information can be collected by CN indirectly if necessary when an award, prize or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates without prior or subsequent notification (exemption to IPP2 and IPP3 under the Privacy Code of Practice for Local government).

IPP 3 & HPP 4 – Requirements when collecting information

15.5 An individual must be informed as to why their personal and health information is being collected, what CN will do with it, and who may have access to it, whether supply is required by law, and any rights of access to the information. If health information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified as above, unless making the individual aware would impose a serious threat.

15.6 Wherever practicable, a privacy disclaimer will be included on any forms when CN collects personal information, whether in hard copy form or online.

15.7 The privacy disclaimer aims to advise an individual about CN's purpose for collecting this information, whether the personal information is required to be supplied to CN, how it will be stored and how it can be accessed by an individual. An example privacy disclaimer is provided at **Annexure E**.

15.8 Privacy disclaimers should be included on the following documents, including but not limited to:

- 15.8.1 Local approval applications under the Local Government Act
- 15.8.2 Where CN invites individuals to make submissions to applications
- 15.8.3 when collecting an impounded item

IPP 4 & HPP 2 – Other requirements for collection

15.9 Personal and health information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual's personal affairs. CN does so by collecting the information directly from the person where possible, confirming details, and maintaining up to date databases.

- 15.10 The exemption to this relevance is for information collected by CCTV per section 9 of the PPIP Regulation. For further information see CN's Workplace Surveillance Policy.
- 15.11 The collection of information that is reasonably necessary, and its purpose is to assist in a state of emergency, and where it would be impracticable or unreasonable to seek individual consent, does not need to comply with these collection principles.

IPP 5 & HPP 5 – Retention and Security

- 15.12 Personal and health information must be stored securely, not kept any longer than is required by the General Retention and Disposal Authority of NSW or for Local Government Records issued by the State Records Authority of NSW, and be disposed appropriately.
- 15.13 CN will take reasonable steps to protect the information from unauthorised access, use, modification or disclosure. CN's compliance strategies are further outlined in CN's Cyber Security Policy, Information and Communication Technology Surveillance Policy, and the Records Management Policy. For example, CN has specific controls in place in relation to payment card security (PCCDSI) to protect customers' financial information.

16 Online activity

- 16.1 The CN website uses cookies. A cookie is a small file of letters and numbers the website puts on your device if you allow it. These cookies recognise when your device has visited our website(s) before to improve the customer's experience and the CN website(s).
- 16.2 CN's website(s) uses analytic service to help CN better understand its customers and improve its services. Although this data is mostly anonymous, it is possible that under certain circumstances, we may connect it to you.
- 16.3 CN's website(s) may contain links to websites operated by third parties. Third party providers / websites are responsible for informing you about their own privacy practices.

17 Data Breach

- 17.1 CN is committed to protecting personal privacy and recognises that staff and CN customers have a reasonable expectation that CN will protect and appropriately manage the personal information it holds about them.
- 17.2 CN is developing a Data Breach Policy which will outline the actions to be undertaken on a data breach and, where considered an eligible data breach under the National Data Breach Scheme, notify individuals and the Australian Information Commissioner of the breach.

18 Unsolicited information

- 18.1 Where CN receives unsolicited personal or health information, the information will be treated in accordance with this Plan and the applicable IPP and HPP relating to storage, access, use and disclosure of information.
- 18.2 The IPP and HPP relating to collection do not apply to unsolicited information

Part F Access and accuracy of personal information

19 How does CN provide access to, and ensure the accuracy of, personal information?

19.1 CN must provide access to, and ensure the accuracy of, personal information in accordance with the PPIP Act, HRIP Act, IPP and HPP.

IPP 6 & HPP 6 – Information held by agencies

19.1.1 CN must advise individuals with enough detail about what personal and health information is stored, why it is stored, the reasons it is being used and what rights an individual has to access it. CN will hold personal and health information of individuals to perform its functions, such as processing rates, assessing a parking permit application, or investigating a complaint.

IPP 7 & HPP 7 – Access to own information

19.1.2 CN must allow an individual access to their personal or health information without unreasonable delay or expense.

19.1.3 CN will provide individuals with access to documents containing their personal information provided the individual can confirm their identity by producing one COUNCIL: exemption added To determine if Council holds personal or health information about them, a person can contact our Customer Service on 4974 2000, by visiting <https://newcastle.nsw.gov.au/about-us/contact-us>, or in person our office located at 12 Stewart Avenue, Newcastle.

IPP 8 & HPP 8 – Alteration of information

19.1.4 At the request of the individual to whom the information relates, CN must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date and not misleading. A person can contact our Customer Service on 4974 2000, by visiting <https://newcastle.nsw.gov.au/about-us/contact-us>, or in person our office located at 12 Stewart Avenue, Newcastle.

IPP 9 & HPP 9 – Accuracy of information

19.1.5 CN must take reasonable steps to ensure that the personal and health information is relevant, accurate, up to date and complete before using it. CN does so by collecting the information directly from the person where possible, confirming details, and maintaining up to date databases.

20 How can an individual request that their personal information is suppressed?

20.1 An individual may request to have their personal information suppressed from any document, record or register held by CN.

20.2 The request must:

20.2.1 Be in writing addressed to:

The Privacy Contact Officer
City of Newcastle
PO Box 489
Newcastle NSW 2300

20.2.2 Provide reasons as to why the safety or well-being of any person would be affected if the personal information is not suppressed.

- 20.2.3 Include a statutory declaration stating the reason for the request. An example statutory declaration is provided at **Annexure D**.
- 20.3 CN will suppress the information in accordance with the request if CN is:
 - 20.3.1 Satisfied that the public interest in maintaining public access to the information is outweighed by the individual interest in suppressing the information; and
 - 20.3.2 The relevant legislation allows CN to suppress the information.

Part G Use of personal information

21 How does CN use personal information?

- 21.1 CN must use and disclose personal and health information in accordance with the PPIP Act, HRIP Act, IPP and HPP.

IPP 10 & HPP 10 – Limits on use of information

- 21.2 CN may only use personal or health information for the purpose for which it was collected or a directly related purpose, or if the individual has consented to use the information in another way. For example, CN will use the information to assess a parking permit application, or investigating a complaint.
- 21.3 It may be used without consent in order to prevent or lessen a serious and imminent threat to any person's life, health or safety.
- 21.4 Personal information can be used by CN for another purpose if:
 - 21.4.1 used for a lawful and proper function and its use is reasonably necessary for the exercise of CN's function (exemption to IPP10 under the Privacy Code of Practice for Local government).
 - 21.4.2 when an award, prize, or similar form of recognition is intended to be conferred upon the person to whom the information relates (exemption to IPP10 under the Privacy Code of Practice for Local government).
 - 21.4.3 the information is reasonably necessary, and its purpose is to assist in a state of an emergency, and it would be impracticable or unreasonable to seek individual consent.

IPP 11 and HPP 11 – Limits on disclosure of information

- 21.5 CN may only disclose personal information:
 - 21.5.1 with the individual's consent.
 - 21.5.2 if the individual was told at the time of collection that the personal information would be disclosed.
 - 21.5.3 if the use is for directly related purpose and CN considers that the individual would not object.
 - 21.5.4 Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person.
 - 21.5.5 CN may disclose health information for the above reasons and under Compassionate reasons.
 - 21.5.6 Suspected unlawful activity or unsatisfactory professional conduct.
- 21.6 Disclosure of personal information by CN allowed where:
 - 21.6.1 information is sought by a public sector agency or public utility in writing, and CN is satisfied that it will be used for a lawful and proper function and its use is reasonably necessary for the exercise of that public sector agency or

- public utility's function (exemption to IPP11 under the Privacy Code of Practice for Local government).
- 21.6.2 when an award, prize, or similar of personal form of recognition is intended to be conferred upon the person to whom the information relates (exemption to IPP11 under the Privacy Code of Practice for Local government).
- 21.6.3 a prospective employer seeks to verify that a current or former employee works or has worked for CN, the duration of that work, and the position occupied during that time (limited disclosure) (exemption to IPP11 under the Privacy Code of Practice for Local government).
- 21.6.4 the information is reasonably necessary, and its purpose is to assist in a state of emergency, and it would be impracticable or unreasonable to seek individual consent.

IPP 12 – special restriction on disclosure of personal information

- 21.7 CN cannot disclose an individual's sensitive personal information without their consent. For example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, health matters or sexual orientation, or trade union membership. Information is stored on secure systems which is only accessible to authorised staff.
- 21.8 Unless disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person.
- 21.9 Disclosure of personal information by CN allowed where sought by a prospective employer outside of NSW (limited disclosure) (exemption to IPP12 under the Privacy Code of Practice for Local government).

22 Further Health Information Privacy Principles

HPP 1 – Identifiers

- 22.1 CN should only identify individuals by using unique identifiers if it is reasonably necessary to carry out CN's functions efficiently.

HPP 13 – Anonymity

- 22.2 CN should allow individuals the opportunity of receiving services anonymously where this is lawful and practicable.

HPP 14 – Controlled

- 22.3 Health information must only be transferred outside NSW if CN reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act or consent has been given, or transfer is under contract between CN and the individual, or transfer will benefit the individual, or to lessen a serious threat to an individual's health and welfare, or steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act or transfer is not permitted or required under any other law.
- 22.4 Section 19 of the PPIP Act, CN must not disclose personal information unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.

HPP 15 – Authorised

- 22.5 CN should only use health records linkage systems if the individual has provided or expressed their consent.

23 Offences under the PPIP Act and HRIP Act

- 23.1 Under Sections 62-68 of the PPIP Act and Sections 68-70 of the HRIP Act, it is an offence for CN officials to:

- 23.1.1 intentionally disclose or use personal information for an unauthorised purpose
 - 23.1.2 supply personal information that has been disclosed unlawfully
 - 23.1.3 obstruct or hinder the Privacy Commissioner or their employees from performing their role.
- 23.2 Under Section 70 of the HRIP Act, it is an offence for CN officials to:
- 23.2.1 Intimidate, threaten or make misrepresentations to persuade or attempt to persuade an individual to refrain from making or pursuing certain actions.

Part H Review of CN's disclosure of personal information

24 Review by CN (internal review)

24.1 If an individual believes their personal or health information has been collected, stored, accessed or disclosed other than in accordance with this Plan, and CN's obligations under the PPIP Act or HRIP Act, they may request a review of CN's conduct. The request for review must:

24.1.1 Be in writing and addressed to:

The Privacy Contact Officer
City of Newcastle
PO Box 489
Newcastle NSW 2300

The [Privacy Internal Review Form \(Information and Privacy Commission\)](#) can be used.

- 24.1.2 Provide details as to how they believe their personal or health information was not dealt with in accordance with this Plan or CN's obligations under the PPIP Act or HRIP Act. Individuals cannot seek an internal review for a breach of another individual's privacy, unless they are authorised representatives of the other individual.
 - 24.1.3 Be lodged within **six months** of the individual becoming aware of the conduct.
- 24.2 On receipt of a request for review of CN's conduct, the Privacy Contact Officer will:
- 24.2.1 assign a suitably qualified and appropriate CN Officer (not involved and more senior than the CN Officer alleged to have made the disclosure in the first instance) to conduct the internal review and advise the individual in writing;
 - 24.2.2 ensure the review is undertaken in accordance with any guidelines provided by the IPC;
 - 24.2.3 notify the Privacy Commissioner of the request for internal review as soon as practicable after its receipt and keep the Privacy Commissioner informed of the progress of the review;
 - 24.2.4 ensure the individual who requested the review is advised of the outcome in writing within **14 days** of its determination;
 - 24.2.5 ensure the review is completed within **60 days** of the lodgement of the request. If not completed within 60 days, an application for external review may be lodged;
 - 24.2.6 provide the Privacy Commissioner with a draft of CN's internal review report to enable the Privacy Commissioner to make a submission; and

- 24.2.7 provide a final copy of the internal review report to the Privacy Commissioner where it departs from the draft review.
- 24.3 If an individual is not satisfied with the outcome of an internal review, they may appeal to the NSW Civil and Administrative Tribunal (**NCAT**).
- Website:** www.ncat.nsw.gov.au
Email: aeod@ncat.nsw.gov.au
Phone: 1300 006 228 (9:00am to 4:30pm Monday to Friday)
Post: PO Box K1026, Haymarket NSW 1240
DX 11539 Sydney Downtown

25 Alternatives to internal review

- 25.1 If an individual may choose to approach CN informally to discuss any privacy concerns. The Privacy & Information Coordinator can be contacted directly on 02 4974 2435 or by email at privacy@ncc.nsw.gov.au. Depending on the nature of the concern, the individual may be advised to lodge an internal request for review of CN's conduct.
- 25.2 An individual can choose to make a privacy complaint directly with the Information Commissioner about CN's conduct. Details are available at 25.1.2.

26 Further information

- 26.1 For further information regarding the implementation of this Plan, you can contact:
CN's Privacy Contact Officer or Privacy Champion (refer to **Annexure A** for details);
or
The NSW Information and Privacy Commission (IPC) (refer to below details).

Website www.ipc.nsw.gov.au
Email ipcinfo@ipc.nsw.gov.au
Phone 1800 472 679
Postal GPO Box 7011, Sydney NSW 2001

Annexure A - Privacy Champions

Privacy Champions:

To be appointed by Executive Managers

Annexure B - Definitions

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle (CN) means Newcastle City Council.

Council means the elected Council.

CN Official means a Councillor, CN employee (including part-time, temporary or casual staff), individuals engaged by CN under a contract (including consultants and contractors); a volunteer or individuals who have public official functions.

Identification means either a Driver's license, Passport, Birth certificate or birth extract, Pension card or health care card issued by Centrelink, Medicare card, student photo identification card (issued by an Australian tertiary education Institution), Bank statement, Rates notice.

HPP means Health Privacy Principles.

HRIP Act means Health Records and Information Privacy Act 2022 (NSW).

IPC means Information and Privacy Commission NSW.

IPP means Information Protections Principles.

NCAT means NSW Civil and Administrative Tribunal. Personal information is defined in clause 6.

PIIP Act means Privacy and Personal Information Protection Act 1998 (NSW)

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Plan.

Annexure C - Plan Authorisations

In accordance with section 378 of the Local Government Act 1993, the Chief Executive Officer delegates the following functions to the positions listed:

Title of authorisation	Description of authorisations	Position Number / Title
CN's Privacy Contact Officer	Authority to act as CN's Privacy Contact Officer	P30039 Privacy and Information Coordinator P60642 Executive Manager Legal & Governance

Annexure D - Statutory Declaration

(For access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by CN)

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, of
[name of declarant] **[address]**

do solemnly and sincerely declare that I am.....
[details of relationship of any, to person inquired about]

I seek to know whether.....
[insert name of person]

is on the public register of
[describe the relevant public register]

The purpose for which I seek this information is.....
[insert purpose]

The purpose for which the information is required is to
[insert purpose]

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: on.../.../20....
[place] **[date]** **[signature of declarant]**

in the presence of an authorised witness, who states:
I, , a
[name of authorised witness] **[qualification of authorised witness]**

certify the following matters concerning the making of this statutory declaration by the person who made it:

[* please cross out any text that does not apply]

1. * I saw the face of the person *OR*
I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **and**

2. *I have known the person for at least 12 months *OR*
I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

.....
[describe identification document relied on]

..... on.../.../20.....
[signature of authorised witness] **[date]**

Privacy Disclaimer

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

Purpose: *To certify statutory declaration*

Intended recipients: *Relevant CN Officers*

Supply: *Voluntary*

Consequence of Non Provision: *Statutory declaration will be invalid*

Storage and security: *Document will be kept in CN's records management system in accordance with CN policy and relevant legislation.*

Access: *If a copy is held by CN you can contact CN on 4974 2000 for access*

Annexure E - Statutory Declaration

(to request that personal information is suppressed from any document or record held by CN)

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, of.....
[name of declarant] **[address]**

do solemnly and sincerely declare that I request to have their personal information suppressed from any document or record held by CN as the safety or well-being of any person would be affected if the personal information is not suppressed.

The suppression is requested for the following reasons **[insert reason]**.....

.....
.....
.....
.....
.....
.....
.....

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: on.../.../20....
[place] **[date]** **[signature of declarant]**

in the presence of an authorised witness, who states:

I, a
[name of authorised witness] **[qualification of authorised witness]**

certify the following matters concerning the making of this statutory declaration by the person who made it:

[* please cross out any text that does not apply]

1. * I saw the face of the person *OR*
I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **and**

2. * I have known the person for at least 12 months *OR*
I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

.....
[describe identification document relied on]

..... on.../.../20.....
[signature of authorised witness] **[date]**

Privacy Disclaimer

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

Purpose: *To certify statutory declaration*

Intended recipients: *Relevant CN Officers*

Supply: *Voluntary*

Consequence of Non Provision: *Statutory declaration will be invalid*

Storage and security: *Document will be kept in CN's records management system in accordance with CN policy and relevant legislation.*

Access: *If a copy is held by CN you can contact CN on 4974 2000 for access*

Annexure F - Privacy disclaimer (Example only)

Privacy Disclaimer

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

Purpose: *a statement about why you are collecting the information.*

Intended recipients: *who will be using the information.*

Supply: *legally required OR voluntary.*

Consequence of Non Provision: *what happens if the information is not provided.*

Storage and security: *how the information will be stored, for how long and who will have access.*

Access: *how individuals can gain access to check accuracy of information.*

Document Control

Plan title	Privacy Management Plan 2023
Plan owner	Executive Manager Legal & Governance
Plan expert/writer	Privacy and Information Coordinator
Associated Procedure Title	N/a
Procedure owner (if applicable)	N/a
Prepared by	Privacy and Information Coordinator
Approved by	Council
Date approved	26/04/2023
Commencement Date	26/04/2023
Next revision date	30/09/2025
Termination date	30/09/2026
Version	3
Category	Governance
Keywords	privacy, collection, disclosure, personal and health information, policy, plan, sensitive information, access to information, Privacy Commissioner
Details of previous versions	Privacy Management Plan 2014 - ECM #4263694 Privacy Management Plan 2018 - ECM #5821723
Legislative amendments	Nil
Relevant strategic direction	Achieving Together
Relevant strategy	Newcastle 2040 Community Strategic Plan
Relevant legislation/codes (reference specific sections)	<i>Privacy and Personal Information Protection Act 1998</i> (PPIP Act) <i>Health Records and Information Privacy Act 2002</i> (HRIP Act) <i>Government Information Public Access Act 2009</i> (GIPA Act) <i>Local Government Act 1993</i> (LG Act) <i>State Records Act 1998</i> Environmental Planning & Assessment Regulation 2021 Privacy Code of Practice for Local Government Privacy and Personal Information Protection Amendment (CCTV) Regulation

Other related policies/ documents/ strategies	Guide to CN's Access to Information Framework under the Government Information (Public Access) Act CN's Codes of Conduct CN's Information Guide CN's Records Management Policy
Related forms	<p>INFORMAL REQUEST</p> <ul style="list-style-type: none"> • Customer Request Form <p>FORMAL APPLICATION</p> <ul style="list-style-type: none"> • Formal Access Application Form • Internal review of Formal Access Application <p>PRIVACY COMPLAINT</p> <ul style="list-style-type: none"> • Privacy Internal Review Form (Information and Privacy Commission)
Required on website	Yes
Authorisations	Functions authorised under this Plan at Annexure C