

RICHMOND VALLEY COUNCIL PRIVACY MANAGEMENT PLAN

The Council respects the privacy of the residents and ratepayers of Richmond Valley area.

In order to comply with the requirements of the Acts and regulations governing the actions of Local Government this Council will endeavour to provide appropriate information to the public using the Information Protection Principles.

Personal information is defined as “any information about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.”

A. Privacy Principles. (Part 2 Division 1 Sections 8 to 19 inclusive, PIPP Act).

1. The Council will not collect personal information unless:

- 1.1) information is collected for a lawful purpose that is directly related to a function or activity of Council, and
- 1.2) the collection of the information is reasonably necessary for that purpose.

The Council will not collect personal information by any unlawful means.

From 1st July, 2000 it may be unlawful to collect personal information from Government Departments in order to pursue debtors unless that Department has a clause allowing this under their management plan.

This Council will continue the practice of dealing with the NSW Government s and Agencies for enquiries on personnel and recruitment matters where required.

2. When Collecting personal information, Council will collect information only from the individual to whom the information relates unless:

- 2.1) the individual has authorised collection from someone else, or
- 2.2) the information has been provided by a parent or guardian of a person under the age of 16.

3. When Council collects personal information about an individual, that person will be notified of:

- 3.1) the fact that the information is being collected,
- 3.2) the purposes for which the information is collected,
- 3.3) the intended recipients of the information,
- 3.4) whether the supply of the information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- 3.5) Council’s name and address, where the information will be stored.

It is necessary to add an addendum to all letters requesting information personal information from the public, providing any use of the personal information. So as not to waste already printed forms a stamp will be made advising that the information may be released under the provisions of the PIPP Act.

4. **Council will take reasonable steps to ensure that:**
 - 4.1) information collected is relevant to a purpose, is not excessive, and is accurate, up to date and complete, and
 - 4.2) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

5. **With regards to the retention and security of personal information Council will ensure:**
 - 5.1) the information is used for a lawful purpose and is kept for no longer than is necessary,
 - 5.2) that the information will be disposed of securely,
 - 5.3) that the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances), and
 - 5.4) if it is necessary to release the information to a person in connection with the provision of a service to Council, everything reasonable is done to prevent unauthorised use or disclosure of the information.

The culling and destruction of records is carried by the Records Officer in accordance with the Council's approved Records Management Disposal Schedule.

6. **If Council holds personal information about any individual it must take the necessary steps to enable any person to ascertain:**
 - 6.1) whether the Council holds personal information; and
 - 6.2) whether the Council holds personal information relating to that person, and
 - 6.3) if Council holds personal information relating to that person:
 - 6.3.1) the nature of that information; and
 - 6.3.2) the main purposes that the information is being used, and
 - 6.3.3) that person's entitlement to gain access to that information.

7. **Any person will be able to ascertain whether Council holds their personal information by completing a Document Access Request Form.**

8. **Any person who is unhappy with the accuracy or acceptable use of their personal information kept by Council, may request amendments be made to that information by writing to the General Manager.** Personal information must be used for the purpose that it was collected and used to any purpose that is directly related to that purpose, it must be relevant, up to date, complete and not misleading.

Council has an obligation to take such steps to amend personal information where necessary. If Council decides that it will not amend the information, it must add the additional information, so it can be read with the existing information and the individual notified. The individual to whom the information relates is entitled to have the recipients of the amendments made by Council.

9. **Council will take reasonable steps to ensure the accuracy of personal information prior to use, having regard to the purpose it was collected, its proposed use, its relevance, accuracy, whether it is up to date, complete and not misleading.**

10. Council will not use personal information for a purpose other than for which it was collected unless:

- 10.1) the individual to whom the information relates has consented to use the information for that other purpose, or
- 10.2) the other purpose for which the information is used is directly related to the purpose for which it was collected, or
- 10.3) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or of another person.

Council will use any personal information for a variety of purposes within its departments, as on most occasions the information was collected for one main purpose, it may be used for a variety of other purposes. For example, the names and addresses of individual owners of property kept on the Rate Register are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status as well as being the basis of the Rating and Valuation Register. Staff investigating these uses of personal information will not notify individuals for approval to perform these functions. Personnel and recruiting records will be discussed with solicitors when the need arises and with administrative staff when necessary without prior approval of individuals.

11. Council will take reasonable care not to disclose personal information unless:

- 11.1) the disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object; or
- 11.2) the individual has been made aware that this kind of information is usually released; or
- 11.3) disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person.

12. Council will take reasonable care not to disclose personal information that:

- 12.1) relates to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- 12.2) relates to any enquiry from anyone outside the State of New South Wales unless:
 - 12.2.1) a relevant privacy law applies to personal information in force in that jurisdiction, or
 - 12.2.2) the disclosure is permitted under a privacy code of practice (a law determined by the Privacy Commissioner and published in the Government Gazette).

Council will fulfill its obligations under Section 12 of the Local Government Act and provide free public access to documents and files and provide copies of those documents at reasonable cost.

The parts of the Local Government Act restricting access will still apply. Exempt documents may be released under the Freedom of Information Act following the application process and the payment of the fee. The disclosure of personal information contained on Council files and computer records will be dealt with the provisions of these Acts, and where information released may cause personal hardship to a resident or ratepayer. Reasonable care will be taken to ensure appropriate levels of disclosure will be maintained.

B. Public Registers (Part 6, Clauses 57, 58 & 59 PPIP Act)

Council will not disclose personal information kept in a Public Register unless the information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept.

Council requires that any person who applies for information from a public register completes a statutory declaration describing the intended use of any information obtained from the inspection.

1. Information that is publicly available (Section 12, Local Government Act)

List of information available to the public free of charge.

2. Public Land Register (Section 53, Local Government Act)

Available to the public free of charge.

3. Register and Tabling of Pecuniary Interest Returns (Section 450A Local Government Act)

Available to the public free of charge.

4. Rate and Charging Record (Section 602, Local Government Act)

Council will not release the names and addresses of owners to any commercial valuation enquiries. Exceptions will be permitted for adjoining property owners for fence or development/building enquiries.

5. Companion Animal Register (Companion Animals Act 1998)

Council will only allow access to Council staff or a Police officer.

6. Development Consent Register (Section 100 Environmental Planning and Assessment Act)

Available to the public free of charge.

7. Construction Certificates Register (Section 149G Environmental Planning and Assessment Act)

Available for inspection free of charge. Copies of certificates only available with owners consent and the payment of the prescribed fee.

C. Review of Certain Conduct (Internal Review Process) (Part 5 Clauses 52 & 53 PIPP Act)

Where a person who has requested information is aggrieved by the conduct of Council in the following circumstances:

- a) contravention of a privacy principle that applies to Council,
- b) contravention of a code of practice that applies to Council,
- c) disclosure of personal information kept on a public register,

the person (applicant) is entitled to apply for an Internal Review.

The application for review must be in writing and addressed to :

The General Manager
Richmond Valley Council
Locked Bag 10
Casino NSW 2470

The application must be lodged within six (6) months from the time the applicant first became aware of the conduct (the subject of the application).

The application will be dealt with by the Director of Corporate Services, who will consider any relevant material submitted by either the applicant or the Privacy Commissioner.

The review will be completed as soon as reasonably practicable within 60 days from receipt of the application review.

Following the completion of the review, Council may do one or more of the following:

- a) take no further action on the matter,
- b) make a formal apology to the applicant,
- c) take appropriate remedial action,
- d) provide undertakings that the conduct will not occur again,
- e) implement administrative measures to ensure that the conduct will not occur again.

As soon as practicable within 14 days of the completion of the review, Council will notify the applicant in writing of:

- i) the findings and the reasons for those findings;
- ii) any proposed actions to be
- iii) the right of the applicant to have those findings and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

D. Training and Education

Senior staff will be trained as soon as practicable after the adoption of the Plan by Council. Further staff training will take place following the release of the Model Plan by Privacy NSW and the Department of Local Government. A privacy plan document will be distributed with Council's Staff Induction Programme.