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## Privacy policy (revised)

Responsible Officer: Group Manager People and Performance (Helen McNeil)

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### Recommendation

That Council:

1. Revoke the Privacy Management policy adopted on 14 June 2015 and any policies revived as a result of the revocation.
2. Adopt the proposed Privacy policy attached to this report.
3. Note that, subject to the adoption of the proposed policy that a Privacy Management Plan be developed, approved by the General Manager and made available as open access information.

### Background

To comply with the requirements of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act) Rous County Council must have a privacy management plan. The purpose of the plan is to explain and set out how an organisation will manage personal and health information. The plan must include content covering:

- (a) devising of policies and practices to ensure compliance with the PIIP Act and HRIP Act,
- (b) dissemination of policies and practices to persons within the agency,
- (c) procedures that the agency proposes to provide in relation to internal review.

Rous currently has a Privacy Management policy, which has the dual function of a 'privacy policy' and a 'privacy management plan' (Attachment 1). It was made in June 2015 prior to the combining of Rous County Council, Far North Coast County Council and Richmond River County Council.

It is mandatory to have a privacy management plan but not a privacy policy.

A review of the current Privacy Management policy has been completed. A key change is recommended:

- 1. Separate policy and privacy management plan – both open access information – policy adopted by the governing body and privacy management plan approved by the General Manager**

Staff recommend an approach whereby Rous has a Privacy policy, adopted by the governing body, and a privacy management plan approved by the General Manager. The merit of this approach is that the governing body sets its overarching commitment to privacy through policy, including its position on privacy breach management. The implementation of that policy position is achieved through and governed by an operational privacy management plan approved by the General Manager.

Both the policy and the privacy management plan would be 'open access information':

- (a) Attachment 2 – Proposed Privacy policy, for adoption.
- (b) Attachment 3 – DRAFT Privacy Management Plan, for information.

### Finance

Not applicable.

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## Legal

The proposed approach is compliant with the applicable legislative requirements. The Information and Privacy Commission (IPC) New South Wales 'Privacy Management Plan Assessment Checklist' (Checklist) has been used to inform the review process. The IPC is the agency responsible for overseeing the PPIP Act and HRIP Act.

Since 2015 various amendments have been made to the PPIP Act and HRIP Act with respect to, among other things, expanded exemptions to the privacy principles. For example, exemptions relating to:

- (a) Information exchanges between public sector agencies
- (b) Emergency situations.

In addition, the review will include various minor and administrative changes such as the update of obsolete policy, procedure and position references and the revision of applicable forms used by members of the public.

## Consultation

Not applicable.

## Conclusion

A review of the current Privacy management policy has been completed and a new policy and Privacy management plan have been developed.

## Attachments

1. Current Privacy Management policy adopted by Rous County Council on 14 June 2015 and Richmond River County Council and Far North Coast County Council on 22 June 2015 (for **revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-XRL-37-22-83>
2. Proposed Privacy policy (for **adoption**).
3. DRAFT Privacy Management Plan.