

PRIVACY MANAGEMENT PLAN

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PREPARED BY:

INFORMATION MANAGEMENT & TECHNOLOGY UNIT

4-20 Eton Street,
Sutherland NSW 2232
T 02 9710 0333
sutherlandshire.nsw.gov.au



SUTHERLAND SHIRE



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1. PURPOSE

Sutherland Shire Council (Council) collects, stores, and uses a wide range of information to support its operations. A significant portion of this information includes personal and health-related data. It is essential that both the community and Council officials understand how this information is managed.

The purpose of this Privacy Management Plan (PMP) is to outline Council's approach to managing personal and health information in accordance with the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) and the Health Records and Information Privacy Act 2002 (NSW) (HRIP Act). These Acts establish principles for the protection of personal and health information and safeguard the privacy rights of individuals

2. COMPLIANCE

Under the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act), all public sector agencies are required to prepare and implement a Privacy Management Plan (PMP).

In addition to this PMP, Council has established a Data Breach Notification Policy that outlines procedures for identifying, assessing, and responding to data breaches. This includes compliance with the Mandatory Notification of Data Breach (MNDB) Scheme introduced under Part 6A of the PPIP Act, which sets out specific requirements for breach assessment and notification.

3. APPLICATION

This Privacy Management Plan (PMP) applies to all Council employees, Councillors, contractors, and volunteers who access, manage, or handle Council data, including personal and health information.

4. MANAGING PERSONAL AND HEALTH INFORMATION

4.1 What is personal information?

Personal information refers to any information or opinion about an individual whose identity is apparent or can reasonably be ascertained, as defined in Section 4 of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act).

Certain types of information are excluded from this definition. These include:

- Information about a person who has been deceased for more than 30 years
- Information contained in a publicly available publication
- Information or opinions regarding a person's suitability for employment as a public sector official

4.2 What is health information?

Health information is a specific category of personal information that relates to an individual's physical or mental health. It may include details such as psychological assessments, blood test results, x-rays, and records of medical appointments.

Health information also encompasses personal details such as a person's name and contact information when collected for the purpose of providing a health service. This definition is outlined in Section 6 of the Health Records and Information Privacy Act 2002 (NSW) (HRIP Act).

4.3 How personal and health information is collected?

Council collects personal and health information to support the delivery of its statutory functions and services. In accordance with the Privacy and Personal Information Protection Act 1998 (NSW) (PIPP Act), Council must collect personal information directly from the individual to whom the information relates, unless:

- The individual has authorised collection from another source, or
- The information relates to a person under 16 years of age and is provided by a parent or guardian

The level of personal information that is appropriate to be collected is assessed on a case-by-case basis. Personal information may be collected from:

- Members of the public
- Council staff and Councillors
- Council volunteers
- Businesses / government and non-government organisations
- Medical practitioners

Contractors acting on the Council's behalf may also collect personal information. Where appropriate, clauses will be included in contract documentation requiring contractors to comply with relevant privacy obligations.

Council collects personal information through various means. These may include:

- Registers and rolls
- Contracts
- Correspondence (including submissions)
- Council's forms and website
- CCTV footage (including drones and footage recorded by Council's waste collection vehicles)

Council has a range of functions requiring or involving the collection of personal information, including:

- Levying and collecting rates
- Providing services, for example, childcare, libraries and waste collection
- Assessing development and major project applications

- Recording, investigating, and managing complaints and allegations
- Site inspections and audits
- Incident management
- Enforcing regulation and legislation
- Providing payroll and human resource services to Council staff
- Work, Health and Safety management including workers compensation

4.4 Types of personal and health information held by Council

Council holds personal information concerning Councillors such as:

- Personal contact information
- pecuniary interest disclosures and written returns

Council holds personal information collected from Council's customers, ratepayers and residents such as:

- Personal contact information
- Rates records
- Development Applications (DA) and related submissions
- Customer service requests
- Library lending and booking records
- Event attendance records
- CCTV footage
- Applications for donations, grants and sponsorships
- Submissions from community engagement and consultation activities
- Public access forum applications

Council holds health information collected from Council's customers, ratepayers and residents such as:

- Immunisation status
- Childcare records
- Contact details of medical practitioners
- Child development assessments
- Allergy and asthma diagnosis
- Relevant court orders

Council holds personal and health information concerning current and former employees such as:

- Personal contact details
- Pecuniary interest disclosures and written returns
- Recruitment documentation
- Payroll and salary records
- Performance management documentation
- Wage and salary entitlements
- Medical certificates
- Workers' compensation claims

4.5 Exemptions on the compliance of the use of personal and health information

Section 17 of the PPIP Act states personal information should only be used for the purposes it was collected for, however under Section 23 of the PPIP Act there are exemptions from compliance. These exemptions include:

- Information collected in connection with proceedings before any Court or Tribunal.
- Information used for a purpose reasonably necessary for Council and law enforcement purposes, including however not limited to protecting public revenue.
- Legal requirement to provide information by a subpoena or search warrant or any other statutory instrument.
- The individual to whom the information relates has given express consent to Council to not comply.

5. INFORMATION PROTECTION AND HEALTH PRIVACY PRINCIPLES

The 12 Information Protection Principles (IPPs) and 15 Health Privacy Principles (HPPs) set out legal obligations that Council must comply with under the Privacy and Personal Information Protection Act 1998 (NSW) and the Health Records and Information Privacy Act 2002 (NSW). For further details, refer to the [Information and Privacy Commission NSW](#) website.

In certain circumstances, Council may depart from these Principles when acting in accordance with the Privacy Code of Practice for Local Government. As such, this Privacy Management Plan (PMP) should be read in conjunction with that Code.

The following sections outline how Council applies the IPPs and HPPs in managing personal and health information.

5.1 Collection

Principle	Description / Commitment / Statement	Reference
Lawful	<p>Council will only collect personal and health information for a lawful purpose that directly relates to the proper functions and activities of Council.</p> <p>The <i>Local Government Act 1993 (NSW)</i> (LGA Act) governs Council's major obligations and functions. Chapter 5 provides details relating to the functions of Council governed under the LGA and other legislation.</p>	IPP 1 HPP 1
Direct	<p>Council will collect personal information directly from the person to whom the information relates unless the person has authorised collection of the information from someone else or the person is under the age of 16 years.</p> <p>Council may collect personal information when a person visits Council website. The Privacy Statement on Council's website provides further information on the type of information that is collected.</p> <p>Council may also collect personal information via third party websites that provide services on behalf of Council. Council enters into agreements with these service providers and ensures privacy obligations are met.</p> <p>Health information will be collected directly from the individual that the information concerns, unless it is unreasonable or impracticable to do so.</p>	IPP 2 HPP 3
Open	<p>Whenever personal and health information is collected, Council will inform you why your information is being collected, how it will be used, who will have access and how it will be stored. Council will also tell you how you can access and amend your personal information.</p> <p>This information is published in a privacy statement clause on Council forms and on Council's website.</p>	IPP 3 HPP 4
Relevant	<p>Council will only collect personal and health information that is directly relevant to its functions and activities. Council will ensure that this information is accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of an individual. Council will do this on a case-by-case basis by reviewing what information is necessary to undertake the relevant function including whether this information is required by law.</p>	IPP 4 HPP 2

5.2 Storage

Principle	Description / Commitment / Statement	Reference
Secure	<p>Council will ensure personal and health information is secure and will only be kept for as long as appropriate. Council will secure your information by:</p> <ul style="list-style-type: none"> • Implementing best practice cyber security controls, undertaking regular network penetration and disaster recovery testing • Complying with the State Records Act in relation to safe custody, preservation, accuracy, maintenance and disposal of state records • Ensuring staff compliance with relevant Council policies <p>In the event of a data breach, Council will follow the procedures outlined in Council's Data Breach Notification Policy.</p> <p>If the breach relates to tax file number information, Council will follow the protocols of the Office of the Australian Information Commissioner (OAIC).</p>	<p>IPP 5 HPP 5</p>

5.3 Access and Accuracy

Principle	Description / Commitment / Statement	Reference
Transparent	<p>Council will take reasonable steps to enable a person to determine whether Council holds personal and health information about them. If Council holds any information about a person, upon request Council will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access that information.</p> <p>In this regard, Council will consider any conditions or limitations contained in the <i>Government Information (Public Access) Act 2009 (NSW)</i>.</p>	<p>IPP 6 HPP 6</p>
Accessible	<p>Council will ensure that individuals are provided access to personal and health information held by Council without unreasonable delay or expense.</p> <p>Requests for access to personal and health information need to be requested by completing the Application for Access to Personal Information form. The form can be found on the Accessing Council Information webpage.</p>	<p>IPP 7 HPP 7</p>



	<p>If a Council Officer is seeking access to personal information held about themselves, this request will need to be made to the Chief Human Resources Officer.</p> <p>The right to access personal information does not extend to information held about other people. Information relating to a third party will need to be made under the <i>Government Information (Public Access) Act 2009 (NSW)</i>.</p>	
Alteration	<p>Council will allow the amendment of personal information to ensure that all information is current, accurate, complete and relevant for the purpose for which it was collected.</p> <p>Individuals can request an amendment by contacting Council in writing, specifying the information they believe is incorrect and the reasons for the amendment. Council staff will review the request and may contact the individual for further details or clarification if necessary.</p> <p>Any request for change will require appropriate supporting documentation. The type of documentation required will depend on the type of change being made which may include a statutory declaration.</p>	IPP 8
Amendment	<p>Council will allow the amendment of health information where necessary. This will ensure that your health information is accurate, is being collected or used for its directly related purpose, and is relevant, complete and not misleading.</p>	HPP 8
Accurate	<p>Council will ensure that health information is relevant and accurate before using it.</p> <p>We will do this by ensuring that prior to the lawful use of health information, that this is the most up-to-date information held. We will also ensure that obligations under HPP 2 (Relevant) and HPP 8 (Amendment) have been met.</p>	HPP 9

5.4 Use

Principle	Description / Commitment / Statement	Reference
Accurate	<p>Council will take reasonable steps to ensure that personal and health information is relevant, accurate, up-to-date and complete before using it.</p> <p>This includes verifying information directly with the individual where appropriate, reviewing supporting documentation, cross-checking data with existing records, and updating information as new details are provided.</p> <p>These steps will depend on the age of information, its likelihood for change and the particular function for which the information was collected.</p>	IPP 9
Limited	<p>Council will only use personal and health information for purposes for which it was collected unless:</p> <ul style="list-style-type: none"> • Consent has been given by the person the information relates to • The purpose is directly related to the purpose for which it was collected unless an exemption applies • Use of the information is necessary to prevent or lessen a serious threat and imminent threat to the life or health of the individual or another person • The other purpose is in pursuance of the lawful and proper functions of Council as mandated by the Privacy Code of Practice for Local Government or other legislations <p>Council will only use health information for the purposes which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent.</p>	IPP 10 HPP 10

5.5 Disclosure

Principle	Description / Commitment / Statement	Reference
Limited	<p>Council will only disclose health information under the following circumstances:</p> <ul style="list-style-type: none"> • With the consent of the individual to whom the information relates 	HPP 11



	<ul style="list-style-type: none"> • For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect • If an exemption applies 	
Restricted	<p>Council will not disclose personal information to any other person (other than the individual to whom the information relates) or other body (including a public sector agency), unless:</p> <ul style="list-style-type: none"> • An individual provides consent • An individual would be reasonable likely to have been aware that that kind of information is disclosed to another body • Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned • Council is authorised to disclose personal information for other purposes as mandated by the Privacy Code of Practice for Local Government <p>Council may disclose personal information to public sector agencies or utility providers on condition that:</p> <ul style="list-style-type: none"> • The agency or utility provider has approached Council in writing • Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider • Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s <p>Where Council is requested by a potential employer, it may verify:</p> <ul style="list-style-type: none"> • That a current or former employee works or has worked for Council • The duration of their employment • The position occupied during their employment <p>This exception shall not permit Council to give an opinion as to that person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide</p>	IPP 11

	a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.	
Safeguarded	Council will not disclose your sensitive personal information without your consent. Council will only disclose your sensitive personal information without consent to deal with a serious and imminent threat to any person's health or safety.	IPP 12

5.6 Identifiers and Anonymity

Principle	Description / Commitment / Statement	Reference
Not Identified	Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively.	HPP 12
Anonymous	Council will provide health services anonymously where it is lawful and practical.	HPP 13

5.7 Transferrals and Linkage

Principle	Description / Commitment / Statement	Reference
Controlled	Council will only transfer health information out of New South Wales in accordance with HPP 14. As a general principle, personal health information must not be transferred to individuals or bodies outside of NSW unless the receiving party applies personal health information privacy policies and procedures substantially similar to those of NSW.	HPP 14
Authorised	Council does not currently use a health records linkage system. Council will obtain consent from individuals if this is introduced in the future.	HPP 15

6. PUBLIC REGISTERS

6.1 What is a public register?

A public register is a record that confers specific rights, privileges, benefits, or status that would not otherwise exist. Under the Privacy and Personal Information Protection Act 1998 (PPIP Act), a public register refers to a register of personal information that is either required by law to be publicly available or is made open to public inspection.

Council is legally required to maintain several public registers under the PPIP Act. The Act also governs how personal information within these registers must be managed to ensure privacy and compliance.

In accordance with Part 6 of the PPIP Act, Council Officers may only access personal information contained in public registers if the access is directly related to the register's intended purpose.

Similarly, members of the public may only make enquiries that align with the primary purpose for which each register was established.

6.2 Council's public registers and their primary purpose include*

Register	Local Government Act	Primary Purpose
Land Register	Section 53	Identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.
Records of Approvals	Section 113	Identify all approvals granted under the LGA.
Councillors Political Donations Register	Section 328A	This register is a link to a register on the NSW Electoral Commission Website. The register details any political donations or gifts made to Councillors or Council staff by applicants for planning or development related applications.
Delegations Register	Section 377	Details relevant powers and authorities provided to Council under various legislation that have been delegated by the Council to the CEO and Mayor. The register details any of those powers or authorities that the CEO has sub-delegated to other staff of the Council.
Gifts and Benefits Register	Section 440	This is a register of a gift, or a benefit offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
Register of Disclosures of Pecuniary Interests	Section 450A	Determine whether a Councillor or a member of a Council Committee has a pecuniary interest in any matter with which the council is likely to be



		concerned. There is a corresponding public accountability purpose and third-party access is a secondary purpose.
Rates Record	Section 602	Record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land.

Register	Environmental Planning and Assessment Act	Primary Purpose
Register of Consents and Approvals	Section 100	Identify applications for development consent and other approvals, confirm determinations on appeal. Identify applications for complying development certificates.
Record of Building Certificates	Section 149G	Identify all building certificates.

Register	Government Information (Public Access) Act	Primary Purpose
Disclosure Log	Section 25	This register records information about access applications made to Council and there is the belief that the information may be of interest to other members of the public.
Contract Register	Section 27	Details all current contracts over the value of \$150,000 entered into by Council (does not include employment contracts).

Register	Privacy and Personal Information Protection Act	Primary Purpose
Data Breach Notification Policy Public Notification Register	Section 59ZE	This register provides details of any data breach of Council records and systems when it is not reasonably practicable to notify any or all of the individuals affected by the breach directly. A breach may also be voluntarily disclosed by Council, even if all impacted individuals are notified separately.

Register	Protection of the Environment (Operations) Act	Primary Purpose
Public Register of Licences	Section 308	Identify all licences granted under the Act.

Register	Impounding Act	Primary Purpose
Record of Impounding	Section 30 & 31	Identify any impounding action by Council.

* NOTE: this list is purely indicative. Council may, by virtue of its own practice, hold other public registers, to which the PPIP Act applies.

6.3 Secondary purpose of all public registers

Council is committed to transparency and accountability. As such, a recognised secondary purpose for maintaining public registers is to provide access to members of the public. In accordance with Section 57 of the Privacy and Personal Information Protection Act 1998 (PPIP Act), disclosure of specific records from public registers is generally permissible when aligned with this purpose.

However, requests for access to, copying of, or the sale of an entire public register or a substantial portion thereof may fall outside the scope of this secondary purpose. In such cases, Council will refer to the Privacy Code of Practice for Local Government to guide its decision-making.

Where there is uncertainty regarding the intended use of the requested information, Council Officers may require the applicant to submit a statutory declaration to clarify the purpose of access.

Council will assess each request to determine the minimum amount of personal information necessary to fulfil the purpose. Individuals seeking access to public register information can submit a request via Council's website by visiting the '[Accessing Council Information](#)' page, which provides detailed guidance on the application process.

6.4 Other registers

In addition to public registers, Council may maintain other registers or databases that are not publicly accessible. These non-public registers may contain personal or health information and are subject to the same privacy obligations under the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act).

The Information Protection Principles (IPPs), this Privacy Management Plan (PMP), and any applicable Codes of Practice continue to apply to the management, use, and disclosure of personal information contained in these registers.

6.5 Suppression of information

Individuals whose personal information is recorded in a public register have the right to request suppression of their details..

Under Section 58 of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act), a person may request that Council:

- Remove their personal information from a public register
- Not include their personal information in a public register
- Not disclose their personal information to the public

Council will assess such requests and, if satisfied that disclosure would affect the safety or well-being of the individual, will suppress the information unless it determines that the public interest in maintaining access outweighs the individual's interest, in accordance with Section 58(2) of the PPIP Act.

Suppressed information may still be retained by Council for internal purposes and used in the performance of its functions, but it will not be disclosed publicly.

Applications for suppression must be made in writing to the Chief Executive Officer and include reasons for the request. Supporting documentation may be required.

Under Section 739 of the Local Government Act 1993 (LGA), individuals may also request suppression of material (other than public registers) that is publicly available or proposed to be made available under the LGA. If the individual believes disclosure of their place of residence would place their safety or that of their family at risk, they may apply to the Chief Executive Officer to have the material amended or removed.

Applications under Section 739 must be verified by statutory declaration and meet all legislative requirements. Requests relating to the residential roll must be directed to the Electoral Commissioner.

7. COMPLAINTS AND REVIEWS

Individuals who wish to lodge a privacy complaint may do so online via [Council's website](#). The complaints process is clearly outlined, and an online form is available to assist individuals in providing the necessary information. This helps ensure that concerns are addressed promptly and in accordance with Council's Privacy Management Plan.

If an individual believes their privacy has been breached or is dissatisfied with the conduct of Council or another public sector agency, they may:

- Submit a complaint directly to the NSW Privacy Commissioner
- Lodge an application for internal review with the agency involved, in accordance with Part 5 of the Privacy and Personal Information Protection Act 1998 (NSW)

7.1 Internal review

Individuals have the right to request an internal review under Part 5 of the Privacy and Personal Information Protection Act 1998 (PPIP Act) if they believe that Council has breached either the PPIP Act or the Health Records and Information Privacy Act 2002 (HRIP Act) in relation to their own personal or health information.

Internal reviews cannot be requested for alleged breaches affecting another person's privacy, unless the individual lodging the request is an authorised representative of that person.

7.2 Internal review process

Applications for an internal review must be submitted within six months of the date the applicant first became aware of the alleged breach.

The application must be made in writing and addressed to Council's Privacy Officer. Upon receipt of the application, Council will:

- Appoint a suitably qualified reviewing officer who is independent of the original matter
- Acknowledge receipt of the internal review application
- Notify the Information and Privacy Commission (IPC) and provide a copy of the application
- Keep the IPC informed of the review's progress and submit a draft of Council's preliminary determination for comment prior to finalising the outcome
- Advise the IPC of the final findings and any proposed actions
- Complete the review within 60 calendar days
- Notify the complainant of the outcome

- Provide the IPC with a summary of the review findings

7.3 Role of Privacy Commissioner in internal review process

The Privacy Commissioner plays an oversight role in how Council manages privacy complaints and may make submissions to Council regarding internal reviews.

Council will notify the Privacy Commissioner of all internal review applications received.

Individuals also have the right to lodge a complaint directly with the Privacy Commissioner regarding an alleged breach of their privacy.

For further information about the role of the Information and Privacy Commissioner, contact the IPC:

- **Phone:** 1800 472 679
- **Email:** ipcinfo@ipc.nsw.gov.au
- **Mailing Address:** GPO Box 7011, Sydney NSW 2001
- **Website:** <https://www.ipc.nsw.gov.au>

7.4 External reviews

If an applicant is dissatisfied with the outcome of an internal review conducted by Council, or with the actions taken by Council in response to the application, they may apply to the NSW Civil and Administrative Tribunal (NCAT) for an external review of Council's decision.

Applications to NCAT must be lodged:

- Within 28 calendar days of receiving Council's internal review determination, or
- Within 88 calendar days from the date of the original internal review application, if Council has not completed the review within the prescribed 60-day period (refer to Clause 5.2).

For further information about NCAT and its role in privacy matters, contact:

- **Phone:** 1300 006 228
- **Email:** aeod@ncat.nsw.gov.au
- **Mailing Address:** PO Box K1026, Haymarket NSW 1240
- **Website:** <https://www.ncat.nsw.gov.au>



8. PROMOTING PRIVACY

8.1 Staff awareness

Council is committed to ensuring that all staff understand the Privacy Management Plan (PMP) and how it applies to their roles and responsibilities. To support this, Council will:

- Publish the PMP and related documents on both the Council website and internal intranet
- Incorporate privacy awareness into staff induction programs
- Deliver tailored training and educational resources to staff
- Ensure Council policies are consistent with privacy legislation
- Provide targeted privacy advice to employees and business units
- Communicate regularly with staff on privacy-related matters

8.2 Public awareness

Council is committed to promoting public awareness of the Privacy Management Plan (PMP) and ensuring the community understands how personal and health information is managed. To achieve this, Council will:

- Publish the PMP on its official website
- Provide hard copies of the PMP free of charge upon request
- Inform individuals about the PMP when responding to enquiries involving personal or health information
- Include privacy disclaimers on all online forms that collect personal or health information

9. DATA BREACHES

A data breach occurs when personal information held by Council is lost, or subjected to unauthorised access, modification, disclosure, misuse, or interference. This may result from a failure that causes or has the potential to cause unauthorised access to information in either electronic or hard copy formats.

Examples of data breaches include:

- Loss or theft of a device containing personal information
- Hacking of Council's database

Accidental disclosure of personal information to the wrong recipient by a Council officer or volunteer

The management of data breaches is governed by **Council's Data Breach Notification Policy**, which operates separately from this Privacy Management Plan. The Policy outlines Council's obligations under the **Mandatory Notification of Data Breach (MNDB) Scheme**, including the requirement to notify the



Privacy Commissioner and affected individuals when a breach involving personal or health information is likely to result in serious harm.

10. POLICY AND PROCEDURE DEVELOPMENT

Council is required to set out in this PMP how policies and practices are developed to ensure compliance with the requirements of privacy legislation.

This PMP sets out a number of specific elements of Council's privacy protection framework. Policies and practices are developed by:

- Examining changes in the legislative, policy or operational environment for their impacts on Council's privacy management
- Conducting regular reviews of privacy related policies
- Considering the privacy implications of changes to policies and systems

11. EXEMPTIONS AND CODES OF PRACTICE

There are specific exemptions from compliance with the **Privacy and Personal Information Protection Act (PPIP Act)** and the **Health Records and Information Privacy Act (HRIP Act)** that apply to Council. These exemptions relate to circumstances where:

- Information is collected in connection with proceedings before a Court or Tribunal
- Information is collected or used for law enforcement purposes, or for protecting public revenue
- Council is authorised or required to disclose information under a subpoena, search warrant, or other statutory instrument
- Compliance would prejudice the interests of the individual to whom the information relates
- Council is permitted under another law or legislative provision not to comply
- The individual has provided express consent for Council not to comply

12. PRIVACY CODES OF PRACTICE

Privacy Codes of Practice are legal instruments that allow public sector agencies to modify the application of the Information Protection Principles under specific circumstances. These codes provide tailored guidance on how personal and health information may be managed in compliance with privacy legislation.

Council applies the following Privacy Codes of Practice when managing personal and health information:

- Privacy Code of Practice for Local Government (2000)
- Health Records and Information Privacy Code of Practice (2005)

The Privacy Code of Practice for Local Government was developed to assist councils in fulfilling their statutory responsibilities under the Local Government Act 1993, while ensuring compliance with the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act).

13. OFFENCES

It is a criminal offence, punishable by up to two years' imprisonment for any employee, Councillor, or contractor to intentionally use or disclose personal information about another individual that they accessed in the course of their official duties, except where such use or disclosure is necessary for the lawful exercise of those duties.

Further details regarding offences related to personal and health information can be found in Part 8 of the Privacy and Personal Information Protection Act 1998 (NSW) and Part 8 of the Health Records and Information Privacy Act 2002 (NSW).

14. REVIEW OF PRIVACY MANAGEMENT PLAN

Council will review this Privacy Management Plan (PMP) every two years to ensure its continued relevance and effectiveness.

An earlier review may be undertaken if there are significant legislative or administrative changes that impact the management of personal or health information.

15. RELATED DOCUMENTS

The following documents support and inform the implementation of this Privacy Management Plan:

- Council's Agency Information Guide
- Code of Conduct for Council Staff
- Code of Conduct for Councillors
- Access to Information Policy
- Data Breach Notification Policy
- Customer Feedback and Complaints Management Policy
- Cyber Security Policy

16. RELEVANT LEGISLATION AND REGULATIONS

The following legislation and regulations underpin the management of personal and health information within Council operations:

- Government Information (Public Access) Act 2009 (NSW)
- Government Information (Public Access) Regulation 2018 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)

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- Health Records and Information Privacy Act 2002 (NSW)
- State Records Act 1998 (NSW)
- Local Government Act 1993 (NSW)
- Children (Education and Care Services National Law Application) Act 2010 (NSW)
- Education and Care Services National Regulations (NSW)
- Environmental Planning and Assessment Act 1979 (NSW)
- Public Interest Disclosures Act 2022 (NSW)
- Data Sharing (Government Sector) Act 2015 (NSW)
- Privacy Act 1988 (Cth)

End of Document

UNCONTROLLED COPY WHEN PRINTED - For up to date copy please refer to Sutherland Shire Council Intranet / Website	
Document Name: Privacy Management Plan	Policy Accountability: Chief Information Officer
Approved by: Chief Information Officer	Date approved: 11 September 2025
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