



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

ATTACHMENTS

**Burwood Council Meeting
28 November 2023
6:00pm**

TABLE OF CONTENTS
GENERAL BUSINESS

- 1. Planning Proposal - Group Heritage Listing of 23, 25 and 27 Woodside Avenue, Burwood**
 - Attachment 1:** 23, 25 and 27 Woodside Avenue Burwood - Heritage Assessment 4
 - Attachment 2:** Planning Proposal - Group Heritage Listing of 23, 25 & 27 Woodside Avenue, Burwood 136

- 2. Adoption - Amendment to Burwood DCP - Setbacks for 121-125 Burwood Road & 168 Burwood Road, Burwood**
 - Attachment 1:** Summary of Submissions and Council officer's response - Front Setback Requirements for Nos 121-125 & 168 Burwood Road, Burwood 164

- 3. Draft Customer Experience Strategy 2024 - 2027 - Endorsement for Public Exhibition**
 - Attachment 1:** Draft Customer Experience Strategy 2024 - 2027 ... 166

- 4. Draft Youth Action Plan 2024 - 2027 - Endorsement for Public Exhibition**
 - Attachment 1:** Draft Youth Action Plan 2024 - 2027 206

- 5. Burwood Council Annual Report 2022 - 2023**
 - Attachment 1:** FINAL - Burwood Council - Annual Report 2023 250

- 6. Council meetings, briefings and workshop schedule for 2024**
 - Attachment 1:** Proposed 2024 Council Meeting and Briefing Schedule 318

- 7. Draft Public Interest Disclosures Policy - Adoption**
 - Attachment 1:** Draft - Public Interest Disclosures Policy - Post exhibition 319

- 8. Mandatory Notification of Data Breach Scheme - Endorsement of draft policies for public exhibition**
 - Attachment 1:** Draft Data Breach Policy 336
 - Attachment 2:** Draft Privacy Management Plan - 2023 344

- 9. Fees and Charges 2023-2024 - Proposed Fee for Roads and Footpaths and Traffic Management - Results of Public Exhibition**

Attachment 1: Fees and Charges 2023-2024 Roads and Footpaths - with rate increases 367

10. Investment Report as at 31 October 2023

Attachment 1: Investment Register October 2023..... 369

Attachment 2: Types of Investments 370

11. Letter from Minister for Planning and Public Spaces - Low and Medium Density Housing Zones

Attachment 1: Letter from Minister Scully about low and medium density housing zones..... 371

REPORTS OF COMMITTEES

1. Burwood Local Traffic Committee - November 2023

Attachment 1: Burwood Local Traffic Committee Agenda - October 2023 373

Attachment 2: Burwood Local Traffic Committee Minutes - October 2023 378

ITEM NUMBER 87/23 - ATTACHMENT 1

Proposed 2024 Council Meeting and Briefing Schedule

Date	Ordinary Meeting of Council 6pm	Councillor Briefing on Meeting Agenda 5pm	Councillor workshop, briefing or professional development session 5.30pm
Tues 13 February 2024	X	X	
Thurs 22 February 2024			X
Thurs 7 March 2024			X
Tues 26 March 2024	X	X	
Thurs 4 April 2024			X
Tues 23 April 2024	X	X	
Thurs 2 May 2024			X
Tues 28 May 2024	X	X	
Thurs 6 June 2024			X
<i>ALGA National General Assembly (Canberra) - Dates not yet confirmed but usually in mid-June</i>			
Tues 25 June 2024	X	X	
Thurs 4 July 2024			X
Wed 24 July 2024	X	X	
Thurs 1 August 2024			X
Tues 13 August 2024*	X	X	
Tues 24 September 2024**	X	X	
<i>Caretaker period prior to election starts on 17 August 2024 Local Government Elections – 14 September 2024</i>			
Late Sept/Early October 2024***			X
Tues 22 October 2024	X	X	
Thurs 7 November 2024			X
Tues 26 November 2024	X	X	
<i>17 to 19 November 2024 – LGNSW Annual Conference (Tamworth)</i>			
Thurs 5 December 2024			X
Tues 10 December 2024	X	X	

Notes

* Earlier in the month than usual as Caretaker Period commences 17 August 2024

** Subject to timing of declaration of polls

*** 2–3 days of Councillor induction activities to be scheduled. Details to be confirmed closer to the time.



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PUBLIC INTEREST DISCLOSURES POLICY

Made in accordance with section 42 of the *Public Interest Disclosures Act 2022* and based on the Model Policy provided by the NSW Ombudsman's Office

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Version No. 1

Page 1 of 17

Contents

1. Purpose 3

2. Definitions 3

3. Accessibility of this policy 4

4. Scope 4

 (a) Who does this policy apply to? 4

 (b) Who does this policy not apply to? 4

5. What is a PID? 5

 (a) Reports, complaints and grievances 5

 (b) When will a report be a PID? 5

 (c) Who can make a voluntary PID? 6

 (d) What is serious wrongdoing? 6

 (e) Who can I make a voluntary PID to? ~~67~~

 (f) What form should a voluntary PID take? ~~78~~

 (g) What should I include in my report? 8

 (h) What if I am not sure if my report is a PID? 8

 (i) Deeming that a report is a voluntary PID 8

 (j) Who can I talk to if I have questions or concerns? 8

6. Protections 8

 (a) How is the maker of a voluntary PID protected? 8

 (b) Protections for people who make mandatory and witness PIDs 9

7. Reporting detrimental action 10

8. General support 10

9. Roles and responsibilities of Burwood Council employees ~~104~~

 (a) General Manager 11

 (b) Disclosure officers 11

 (c) The Mayor 11

 (d) Disclosure Coordinators 11

 (e) Managers 12

 (f) All employees 12

10. How we will deal with voluntary PIDs 12

 (a) How Burwood Council will acknowledge that we have received a report and keep the person who made it informed 12

 (b) How we will deal with voluntary PIDs 13

 (c) How we will protect the confidentiality of the maker of a voluntary PID ~~134~~

 (d) How we will assess and minimise the risk of detrimental action ~~144~~

 (e) How we will deal with allegations of a detrimental action offence 15

 (f) What we will do if an investigation finds that serious wrongdoing has occurred 16

11. Review and dispute resolution 16

Version No. 1

Date: 2/1/23

Public Interest Disclosures Policy

(a) Internal review..... 16

(b) Voluntary dispute resolution..... 16

12. Other agency obligations..... 16

(a) Record-keeping requirements..... 16

(b) Reporting of voluntary PIDs and [agency name] annual return to the Ombudsman..... 17

(c) How we will ensure compliance with the PID Act and this policy 17

13. Review 17

14. Contact..... 17

1. Purpose

All agencies in NSW, including local councils, are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*.

At Burwood Council we take reports of serious wrongdoing seriously. We are committed to building a ‘speak up’ culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our organisation relies upon our councillors, staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how Burwood Council will support and protect you, if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections that are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with the more detailed *Public Interest Disclosures Procedures* approved by the General Manager, as well as following policies and procedures:

- Burwood Council's *Codes of Conduct*
- *Fraud and Corruption Prevention Policy*
- *Complaints Management Policy*
- *Discrimination, Harassment, Bullying Policy and Grievance Procedures.*

2. Definitions

agency includes a local government authority—see section 16 (1) (g) of the PID Act.

integrity agency includes the following:

- The NSW Ombudsman
- The Auditor-General
- Independent Commission Against Corruption

- The Inspector of the Independent Commission Against Corruption
- The Law Enforcement Conduct Commission
- The Inspector of the Law Enforcement Conduct Commission
- Office of Local Government
- The Privacy Commissioner
- The Information Commissioner

manager of a public official is the person to whom the public official reports directly or indirectly, or who supervises them directly or indirectly.

public official includes a councillor and council employee, among others—see section 4 (c) of this policy.

3. Accessibility of this policy

This policy is available on Council's publicly available website, as well as on Council's internal intranet. More detailed *Public Interest Disclosures Procedures* and the names and contact details for Council's disclosures officers and the various integrity agencies will also be published alongside this policy in those locations.

A copy of the policy is also provided to all staff of Burwood Council on their commencement and included in induction and periodic training programs. A hard copy of the policy can be requested from Governance & Risk.

4. Scope

(a) Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate
- an individual in the service of the Crown
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions
- a judicial officer
- a Member of Parliament (**MP**), including a Minister
- a person employed under the [Members of Parliament Staff Act 2013](#).

The General Manager, other nominated disclosure officers and managers within Burwood Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Burwood Council may use this policy if they want information on who they can report wrongdoing to within Burwood Council.

(b) Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint.

[Public Interest Disclosures Policy](#)

However, you can still make a complaint to Burwood Council as outlined in our *Complaints Management Policy*.

There are some circumstances where a complaint can be deemed to be a voluntary PID, see section 5 (i) of this policy for more information.

5. What is a PID?

(a) Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features that are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our *Complaints Management Policy*.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

(b) When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

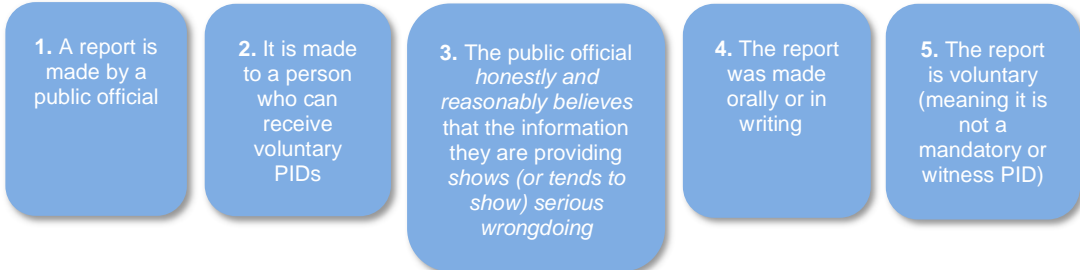
1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 5 of this policy. You can also find more information about mandatory and witness PIDs in the Ombudsman’s guidelines ‘Dealing with mandatory PIDs’ and ‘Dealing with witness PIDs’.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has all of the following five features, which are set out in sections 24 to 27 of the PID Act:



You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing. Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 11 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'.

You are a public official if:

- you are employed by Burwood Council, regardless of whether you are employed on a full-time, part-time or casual basis
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Burwood Council, or
- you work for an entity (such as a non-government organisation) who is contracted by Burwood Council to provide services or exercise functions on behalf of Council — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- corrupt conduct — such as a public official accepting a bribe
- serious maladministration — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- a government information contravention — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- a local government pecuniary interest contravention — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a privacy contravention — such as unlawfully accessing a person's personal information on an agency's database
- a serious and substantial waste of public money — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Burwood Council

You can make a report inside Burwood Council to:

- the General Manager
- a disclosure officer or disclosure coordinator for Burwood Council — a list of these officers and their contact details is published alongside this policy on Council's public website and internal intranet
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer
- the Mayor, but only if the report is about the General Manager.

Making a report to a recipient outside of Burwood Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the head of another agency — this means the head of any public service agency
- an integrity agency — a list of integrity agencies and their contact details is published together with this policy on Council's website and internal intranet
- a disclosure officer for another agency — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a Minister or a member of a Minister's staff but the report must be made in writing.
- If you choose to make a disclosure outside of Burwood Council, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Burwood Council:
 - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Burwood Council's decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

(f) What form should a voluntary PID take?

You can make a voluntary PID:

- in writing — this could be an email or letter to a person who can receive voluntary PIDs.

Public Interest Disclosures Policy

- orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

(g) What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

(h) What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for us to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

(i) Deeming that a report is a voluntary PID

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(j) Who can I talk to if I have questions or concerns?

If you have questions or concerns, you can have a confidential discussion with a disclosure coordinator or any disclosure officer.

6. Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

Version No. 1

Date: 20/1/17

Public Interest Disclosures Policy

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- **Protection from detrimental action**

A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.

Once we become aware that a voluntary PID by a person employed or otherwise associated with Burwood Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.

It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.

A person may seek compensation where unlawful detrimental action has been taken against them.

A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- **Immunity from civil and criminal liability**

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- **Confidentiality**

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- **Protection from liability for own past conduct**

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID**

This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

- **A witness PID**

This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	✓	✓

7. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Burwood Council by contacting a disclosure officer or disclosure coordinator, or to an integrity agency using the contact details published alongside this policy on Council's website and internal intranet.

8. General support

Burwood Council will take reasonable steps to make sure that a person who has made a report is provided with access to any professional support they may need as a result of the reporting process. Support may also be available for other officials involved in the process, where appropriate.

Support will include:

- An appointed contact person (generally, a disclosure coordinator) who will:
 - clearly explain the PID handling process and set expectations for the maker of the PID,
 - provide a point of contact for the maker of the PID to seek their own updates and raise any concerns throughout the process,
 - take steps to protect the interests of the maker of the PID, for example, if they are at risk of detrimental action.
- Provision of regular updates and information about the management of the matter.
- Access to Council's Employees Assistance Program or other appropriate counselling and wellbeing services.

Council may also refer a public official to the NSW Ombudsman if the person has questions about the PID Act and reporting, generally.

9. Roles and responsibilities of Burwood Council employees

Certain people within Council have responsibilities under the PID Act.

(a) General Manager

The General Manager is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring Council complies with this policy and the PID Act
- ensuring that Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure officers

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the disclosures coordinator
- ensuring that any oral reports that have been received are recorded in writing.

(c) The Mayor

The Mayor is responsible for:

- Receiving reports from public officials, but only if they relate to the General Manager
- assessing the reports, with the assistance of a Disclosure Coordinator, to determine whether or not they should be treated as a voluntary PID
- referring reports to an investigating authority, where appropriate
- liaising with the Disclosures Coordinator to ensure there are strategies in place to support the person making the report and to protect them from detrimental action
- referring actual or suspected corrupt conduct or evidence of any detrimental action to the ICAC.

(d) Disclosure Coordinators

A Disclosures Coordinator has the responsibilities of a disclosure officer but also has additional responsibilities to:

- assess reports to determine whether or not a report should be treated as a voluntary PID, and to decide how each report will be dealt with (under delegation of authority)
- coordinate Burwood Council's response to a report
- act as the main contact point for the maker of the PID throughout the process
- acknowledge reports and provide updates and feedback to the person making the report
- assess whether it is possible and appropriate to keep the identity of the person making the report confidential
- assess the risk of detrimental action related to or likely to arise out of a report, and develop strategies to manage any risk identified
- provide or co-ordinate support to any person involved in the making of a report
- coordinate the investigation process, including protecting the interests of any officer the subject of a report
- coordinate the training of officers in accordance with the PID Act

- ensure Burwood Council complies with the PID Act
- provide annual returns and other reports to the NSW Ombudsman in accordance with Part 6 of the PID Act.

(e) Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

(f) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Burwood Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

10. How we will deal with voluntary PIDs**(a) How Burwood Council will acknowledge that we have received a report and keep the person who made it informed**

When a disclosure officer in Council receives a report that is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how Burwood Council deals with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
 - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
- If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.

Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.

Public Interest Disclosures Policy

- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.
- Support will be provided for you throughout this process, including a designated contact person (generally, a disclosure coordinator) who will keep you updated on procedures and progress, as well as access to Council's Employee Assistance Program for any counselling or wellbeing services that may be required.

(b) How we will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, it will be referred to a disclosures coordinator who will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Council's complaints management process or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome to you or a disclosure officer, request an internal review or request that the matter be conciliated. Burwood Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

Burwood Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). The maker of the PID will be advised of that outcome as soon as practicable and will be provided with reasons for the decision.

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated. That investigation will generally be undertaken internally by a disclosure coordinator. However, depending on the facts and circumstances of the matter, an external investigator may be engaged.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

(c) How we will protect the confidentiality of the maker of a voluntary PID

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Public Interest Disclosures Policy

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or [we/agency] reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- Limiting the number of people who are aware of the maker's identity or information that could identify them
- If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, we will:

- advise the person whose identity may become known
- implement strategies to minimise the risk of detrimental action
- update Council's risk assessment and risk management plan
- provide additional supports to the person who has made the PID
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

(d) How we will assess and minimise the risk of detrimental action

Burwood Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Public Interest Disclosures Policy

We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

We will take steps to assess and minimise the risk of detrimental action by:

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- providing details of the person who will be responsible for undertaking a risk assessment
- explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
- explaining how Council will communicate with the maker to identify risks
- listing the protections that will be offered, that is, the Council will discuss protection options with the maker, which may include remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

Further information on assessing the risk of detrimental action is found in the Ombudsman's guideline 'Agencies — assessing and managing the risk of detrimental action'.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

(e) How we will deal with allegations of a detrimental action offence

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the ICAC
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The General Manager is responsible for making referrals about alleged detrimental action offences.

A victim of detrimental action can speak with a disclosure officer, disclosure coordinator or the General Manager about the matter.

(f) What we will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

The nature of the corrective action and the people to whom that action needs to be notified will vary from matter to matter. The General Manager is responsible for ensuring the appropriate corrective action takes place.

11. Review and dispute resolution**(a) Internal review**

People who make voluntary PIDs can seek internal review of the following decisions made by Burwood Council:

- that Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because we decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

We will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

It is noted there may be practical difficulties for the maker of a PID in seeking a review in the case of a voluntary PID that has been reported anonymously. Council will do its best to facilitate such a review wherever practicable.

(b) Voluntary dispute resolution

If a dispute arises between us and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where we and the maker of the report are willing to resolve the dispute.

It is noted there may be practical difficulties for the maker of a PID in participating in dispute resolution in the case of a voluntary PID that has been reported anonymously.

12. Other agency obligations**(a) Record-keeping requirements**

We must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*. Records will be stored on Council's electronic document records management system with appropriate access controls.

(b) Reporting of voluntary PIDs and [agency name] annual return to the Ombudsman

Each year a Disclosures Coordinator will prepare Council's annual return to the NSW Ombudsman that includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)
- action taken by Council to deal with voluntary PIDs during the return period
- how Council promoted a culture in the workplace where PIDs are encouraged.

The report and related information will be stored in accordance with section 12 (a).

(c) How we will ensure compliance with the PID Act and this policy

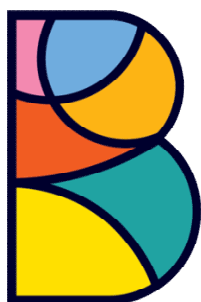
Compliance with the PID Act will be monitored in accordance with Council's *Legislative Compliance Framework*.

13. Review

This policy and any related procedures will be reviewed at least every 4 years.

14. Contact

Manager Governance & Risk Ph 9911 9910



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

DATA BREACH POLICY

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Joint Ownership: Governance & Risk and Information Technology

1. Purpose

This policy has been adopted to inform the public of Council's approach to identifying, responding to and reporting data breaches of Council held information.

The objective of this Policy is to set out Council's approach to identifying and managing a data breach, including:

- providing examples of situations considered to constitute a data breach
- outlining the key steps involved in responding to a data breach
- outlining the considerations around notifying persons whose privacy may be affected by a data breach on a mandatory basis where required, or on a voluntary basis where warranted, to ensure that the Council responds appropriately to a data breach,
- assisting Council in avoiding or reducing possible harm to both the affected individuals and the Council.

This Policy will assist the Council to meet its legal obligations in respect of Mandatory Reporting Data Breaches under the NSW *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the Commonwealth *Privacy Act 1988* and complies with best practice guidelines.

2. Scope

This policy is applicable to all council officials. A breach of this policy constitutes a breach of the Council's *Codes of Conduct* and may lead to disciplinary action.

This policy applies to all data breaches of information held by Burwood Council in either a paper based or electronic format. Council holds personal information such as ratepayer, resident and customer data and personal or commercial information from parties who interact with Council. Council also maintains personnel and workforce information. This data is collected by Council and is used to plan, monitor and manage the workforce, services and properties across the Local Government Area.

This policy supplements Council's *Privacy Management Plan*, which provides more information on how Council may collect, use and disclose personal information.

3. Background

The Notifiable Data Breaches (NDB) scheme came into effect under the *Privacy Act 1988* of the Commonwealth (Privacy Act) in February 2018. Under the NDB, scheme organisations must notify affected individuals and the Office of the Australia Information Commissioner (OAIC) when a data breach is likely to result in serious harm to an individual whose personal information has been compromised.

In addition to the NDB scheme, amendments to the *Privacy and Personal Information Protection Act 1998* of NSW (PPIP Act) taking effect on 28 November 2023 create a Mandatory Notification of Data Breach (MNDB) Scheme that requires public sector agencies bound by the PPIP Act to notify the NSW Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm.

Council must comply with the notification requirements of the scheme in the event of any data breach occurring, as failure to do so may render Council liable for significant penalties under Australian law.

4. Definitions

Commercial information	Any commercial information, whether it be that of Council, external stakeholders' or provided by a service provider in confidence. Note that commercial information does not fall within the MNDB scheme unless it contains Personal Information or Health Information, but it is information that Council also strives to protect.
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Council official	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function).
CSIRT	Means the Cyber Security Incident Response Team established under Council's Cybersecurity Incident Response Plan.
Data breach	See section 5 of this policy.
Eligible data breach	See section 6 of this policy.
General Manager	A reference in this policy to the "General Manager" includes a reference to a delegate of the General Manager under this policy.
Harm	See section 6 of this policy.
Health information	Information or an opinion about a person's physical or mental health or disability, or information relating to the provision of health services to a person. Health information can include a psychological report, blood tests or an x-ray, results from drug and alcohol tests, information about a person's medical appointments, and information regarding vaccination status. It can also include some personal information that is collected to provide a health service, such as a name and telephone number. For the purposes of the MNDB scheme, Health Information is Personal Information.
IPC	Means the NSW Information and Privacy Commission.
MNDB	Means the Mandatory Notification of Data Breaches Scheme established under Part 6A of the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
NDB	Means the Notifiable Data Breach scheme established under the <i>Privacy Act 1988</i> of the Commonwealth.
Officer	For the purposes of this policy, any reference to the term "officer" is taken to mean all Council officials other than councillors or administrators who are involved in exercising a council function.
Personal information	Information or an opinion about a person where that person's identity is apparent or can reasonably be ascertained. This information can be in a database and does not necessarily have to be recorded in a material form. For the purposes of the MNDB scheme, Personal Information includes Health Information.
Privacy Act	Means the <i>Privacy Act 1988</i> of the Commonwealth.
PPIP Act	Means the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
Unauthorised access	See section 5 of this policy.

5. What is a data breach?

A **data breach** is an incident where unauthorised access to, or unauthorised disclosure or loss of, personal information or health information has occurred. The information may have been compromised, disclosed, copied, transmitted, accessed, removed, or destroyed.

Examples of a data breach include:

- A database that contains individuals' personal information has been accessed by an unauthorised person.
- Personal information held by Council is disclosed by an unauthorised person.
- A device containing personal information or commercial information is lost or stolen.
- A cyberattack has occurred, which has resulted in personal information being stolen.

Unauthorised access to personal information occurs when personal information held by an agency is accessed by someone who is not permitted to do so. Unauthorised access can occur:

- **Internally within an agency** – for example, an employee browses agency records relating to another employee or a family member without a legitimate purpose.
- **Between agencies** – for example, a team at one agency may be provided with access to systems and data at a second agency as part of a joint project. Unauthorised access may occur if a member of that team were to use that access beyond what is required for their role as part of that project.
- **Externally outside an agency** – for example, personal information is compromised during a cyberattack and accessed by a person external to the agency.

6. Responsibilities

The **Manager Governance & Risk** and the **Manager Information Technology** are jointly responsible for implementation of this policy.

All council officials, service providers and members of the public are responsible for immediately reporting any actual or suspected data breaches to the Manager Information Technology, Manager Governance & Risk or Director Corporate Services.

The **Cyber Security Incident Response Team**, in addition to its responsibilities under Council's *Cybersecurity Incident Response Plan*, is also responsible for the following in relation to eligible data breaches under this policy:

- Immediately meeting to review and respond to the reported data breach, with delineation of responsibilities undertaken depending on the nature of the data breach.
- Following the response requirements as set out in this Data Breach Policy.
- Consulting with relevant internal and external stakeholders as required.
- Assisting the General Manager with notification requirements.

The **General Manager** or their delegate is responsible for reporting eligible data breaches to the appropriate bodies in accordance with section 10 of this policy.

7. Identifying and reporting breaches

Council may be made aware of a data breach through a report from an officer, a contractor, an affected third party, a member of the public, or through a report from another government agency.

Data breaches may also be identified as a result of investigations into Council's IT infrastructure or cybersecurity incidents such as malware, hacking, ransomware, phishing or a combination of these. Council has in place a number of internal policies and procedures to manage cybersecurity risks including the *Cyber Crime and Security Incident Corporate Practice* and *Cybersecurity Incident Response Plan*, which requires certain incidents to be reported immediately to the Manager Information Technology.

Council has in place a Cyber Security Incident Response Team (CSIRT) that investigates data breaches that arise from cyber incidents. The Manager Governance & Risk is a member of the CSIRT and, as the officer responsible for Council's *Privacy Management Plan*, brings that expertise and responsibility to the CSIRT's assessment of data breaches that may also be eligible data breaches under this policy.

In the event of a known or suspected data breach relating to personal information or health information that arises from a non-cyber incident, this should be reported either verbally or in writing to Council's Manager Governance & Risk or Director Corporate Services, as soon as

practicable, for assessment in accordance with this policy and Council's *Privacy Management Plan*.

8. When does a breach become 'eligible' for notification?

Under the Mandatory Notifiable Data Breach (MNDB) scheme Council must notify affected individuals and the NSW Privacy Commissioner about an eligible data breach.

An **eligible data breach** occurs where:

1. There is an unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency or there is a loss of personal information held by a public sector agency in circumstances that are likely to result in unauthorised access to, or unauthorised disclosure of, the information, and
2. A reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates.

Harm caused by a breach can be assessed in number of ways and may be determined based on the following factors:

- Physical safety of the person or organisation
- Financial loss
- Emotional wellbeing or loss
- Reputational damage
- Legal liability
- Breach of secrecy provisions.

In relation to the NDB under the Privacy Act, Council must notify the Australian Information Commissioner of instances where a data breach affects the tax file number of individuals.

9. Data Breach Preparation and Prevention Measures

Council maintains a risk management framework, allocating resources, responsibility and accountability to manage risks across the organisation in accordance with AS ISO 31000:2018.

Council also has a range of supporting policies to control and mitigate exposures to breaches of data. This includes a Business Continuity Plan, Fraud and Corruption Control Policy, Privacy Management Plan and Codes of Conduct.

In addition to the policy controls, Council has a comprehensive set of information technology and cyber security controls. This includes robust access controls, data encryption, network and endpoint security measures, data loss prevention systems, and incident response plans. An up-to-date inventory of assets is maintained, along with strong patch and vulnerability management measures, to ensure all IT assets are properly secured and monitored. Regular penetration tests are performed by a third party to identify and remediate any weaknesses in the IT infrastructure.

Other measures Council undertakes to minimise the risks of data breaches and ensure appropriate response in the event of a breach are:

- Council officials are provided with an IT induction and receive a copy of the Data Breach Policy when they commence a role at Council and the information is constantly available to employees on Council's intranet and to Councillors on the Councillor Portal.
- Provides training and targeted advice to council officers and business units to help them understand how the Data Breach Policy is implemented.
- Encourages Council officials to seek advice from the relevant officers in Council in relation to any potential data breach issues or concerns.
- Promotes awareness and compliance with Data Breach requirements by participating in promotional activities as part of the annual Privacy Awareness Week and Cybersecurity Awareness Month.

- Ensures that service providers are aware of their obligations under this Policy to report any data breaches to either the Manager Information Technology, Manager Governance & Risk or Director Corporate Services immediately.
- Schedules regular testing to assess the effectiveness of Council's response to data breaches, and to assess whether there are any risks that need to be addressed.

10. Data breach response strategy

Council's data breach response utilises the existing CSIRT structure and processes to investigate, respond and report internally on any suspected eligible data breach. It is noted the CSIRT will have concurrent responsibilities and actions in relation data breaches arising from a cybersecurity incident.

The data breach response involves the following steps, some of which may occur concurrently.

Step 1 — Report and triage

Any Council Officer who becomes aware of a Data Breach will immediately notify the Manager Information Technology, Manager Governance & Risk or Director Corporate Services.

Where either of those Managers believe, or have reasonable grounds to believe, that the data breach is an eligible data breach, that Manager will notify the General Manager (or delegate) immediately.

Step 2 — Contain

Containing the data breach will be prioritised. All Council officers will take all immediate steps to contain any data breach by limiting the extent and duration of the unauthorised access to or disclosure of Council held Information, and preventing the data breach from intensifying. This obligation is ongoing as other steps proceed.

If a third party is in possession of the personal information and declines to return it, it may be necessary to seek legal or other advice on what action can be taken to recover the information. When recovering information, Council will make every attempt to ensure that copies have not been made by a third party or, if they have, that all copies are recovered.

Step 3 — Assess and Evaluate

To determine what other steps are needed, an assessment of the type of information involved in the suspected breach and the risks associated with the breach will be undertaken. The General Manager (or delegate) will appoint a member of the CSIRT to conduct that assessment.

Assessment of the breach should be completed as soon as practicable and at latest within 30 calendar days of the breach being reported.

Factors to consider when conducting the assessment include:

- What is the nature of the information that has been lost or disclosed? Some types of information are more likely to cause harm if compromised.
- What was the cause of the data breach?
- Who is affected by the data breach?
- What combination of information was lost? Certain combinations or types of Personal Information can lead to increased risk.
- How long the information has been accessible? The length of time of unauthorised access to, or unauthorised disclosure may increase risks of harms to individuals.
- How many individuals were involved? The scale of the data breach will likely affect the Council's assessment of likely risks.
- Did the data breach involve tax file number information?
- Was it a one-off incident or does it expose a more systemic vulnerability?
- What steps have been taken to contain the data breach?
- Has the Council held information been recovered?
- Is the Council held information encrypted or otherwise not readily accessible?

- What is the foreseeable harm to affected individuals or organisations?
- Who is in receipt of the Council held information?
- What is the risk of further access, use or disclosure, including via media or online?
- Are other public agencies involved in the Data Breach?

In conducting the assessment, regard is to be had to any guidelines on the assessment of data breaches published by the IPC.

If the assessment indicates that an eligible data breach has occurred, the General Manager (or delegate) will decide whether an eligible data breach has actually occurred.

The General Manager (or delegate) will also assess and consider whether a data breach is a Commonwealth notifiable data breach.

Step 4 – Notification

If the General Manager (or delegate) decides that an eligible data breach has occurred, the notification process under Division 3 of Part 6A of the PPIP Act is triggered.

The General Manager (or delegate) will take the following actions:

- **Notify the NSW Privacy Commissioner:** immediately notify the NSW Privacy Commissioner about the breach using the [approved form](#) published on the IPC website.
- **Determine whether an exemption applies:** If one of the six exemptions set out in Division 4 of Part 6A of the PPIP Act applies in relation to an eligible data breach, Council may not be required to notify affected individuals. This assessment should occur as part of or immediately following the assessment of the data breach.
- **Notify individuals:** Unless an exemption applies, Council will notify affected individuals as soon as reasonably practicable. Notification will be made directly to the individual concerned, their parent or guardian (in the case of children) or an authorised representative. Where Council is unable to notify directly or it is not reasonably practicable to do so, a public notification will be made. Where a data breach is not an eligible data breach, Council may still provide voluntary notification to individuals and organisations where appropriate.
- **Provide further information to the NSW Privacy Commissioner (as required):** Agencies may be required to provide additional information to the Privacy Commissioner, if they have been unable to provide complete information in their initial notification, if they have made a public notification, or if they are relying on an exemption.
- **Notifiable data breach under Privacy Act:** Where the data breach is a notifiable data breach under the Privacy Act, the General Manager (or delegate) will notify the Australian Information Commissioner using the [approved form](#) published on the website of the Office of the Australian Information Commissioner.
- **Notification to other agencies:** Depending on the circumstances of the data breach and the categories of data involved, Council may need to notify or engage with other agencies. Examples include the NSW Police Force, Cyber Security NSW, Australian Federal Police, Australian Taxation Office and the Department of Health.

Step 5 – Review and monitoring

After the incident has been assessed and notification has taken place, the Manager Information Technology, Manager Governance & Risk and Director Corporate Services will coordinate a further investigation into the circumstances of the breach to ensure that any processes or weaknesses in data handling that may have contributed to the data breach are identified and remediated. This will mitigate future risks and ensure Council's proactive management of data breaches.

The investigation findings and recommendations must be reported to the Executive Team and Council's Audit Risk and Improvement Committee and cover the following:

- Recommended changes to system and physical security.

- Recommend changes to any Council policies or procedures.
- Revision or changes recommended to staff training and education.
- Disciplinary measures, if required.

11. Record keeping

Council will, at all times, maintain appropriate records of all data breaches, regardless of the seriousness of the data breach or whether it is immediately contained.

Data Breach Register

Council will maintain an internal Data Breach Register (which for practical purposes is combined with Council's Cybersecurity Incident Register) that details the following in relation to each eligible data breach:

- Who was notified of the data breach
- When the data breach was notified
- The type of data breach
- The steps taken by Council to mitigate the harm done by the data breach
- Details of the actions taken to prevent future data breaches
- The estimated cost of the data breach.

Public Notification Register

Council will keep a public notification register that is available on its website. The public notification register will contain details of the data breaches that have been notified to the public, including all information provided to an individual or organisation when they are notified of a data breach.

Personal Information or information that could prejudice Council's functions will not be published on the public notification register. Data Breaches published on the public notification register will remain on the register for at least 12 months.

12. Related Information

This policy will be included in the induction programs for all council officials.

See also:

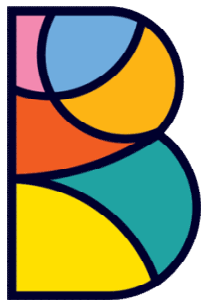
- *Privacy Management Plan*
- *Cyber Security Incident Response Plan* (only accessible by council officers)
- *Cyber Crime and Security Incident Corporate Practice* (only accessible by council officers)

13. Review and testing

This policy will be tested and reviewed at least every 2 years.

14. Contact

- Manager Information Technology Ph 9911 9958
- Manager Governance & Risk Ph 9911 9910
- Director Corporate Services Ph 9911 9815



Burwood Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

PRIVACY MANAGEMENT PLAN

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PART 1 – INTRODUCTION**Purpose**

The *Privacy and Personal Information Protection Act 1998* (NSW) (**PIPPA**) requires all public sector agencies to prepare and implement a Privacy Management Plan.

The purpose of this plan is to outline how Burwood Council will manage personal information and health information in accordance with PPIPA and the *Health Records and Information Privacy Act 2002* (**HRIPA**). These Acts provide for the protection of personal and health information and for the protection of the privacy of individuals.

Scope

This plan applies to all council officials at Burwood Council. A breach of this policy constitutes a breach of the Council's *Codes of Conduct* and may lead to disciplinary action.

Definitions

Council official	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function).
GIPA Act	Means the <i>Government Information (Public Access) Act 2009</i> .
Health information	Information or an opinion about a person's physical or mental health or disability, or information relating to the provision of health services to a person. Health information can include a psychological report, blood tests or an x-ray, results from drug and alcohol tests, information about a person's medical appointments, and information regarding vaccination status. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.
Health record	Means an ongoing record of health care for an individual.
Health records linkage system	Means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.
HPP	Refers to a Health Privacy Principle prescribed under the <i>Health Records and Information Privacy Act 2002</i> .
HRIPA	Means the <i>Health Records and Information Privacy Act 2002</i> .
IPC	Means the NSW Information and Privacy Commission.
IPP	Refers to an Information Privacy Principle prescribed under the <i>Privacy and Personal Information Protection Act 1998</i> .
LG Act	Means the <i>Local Government Act 1993</i> .

<i>MNDB</i>	Means the Mandatory Notification of Data Breaches Scheme established under Part 6A of the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
<i>Officer</i>	For the purposes of this policy, any reference to the term “officer” is taken to mean all Council officials other than councillors or administrators who are involved in exercising a council function.
<i>Personal information</i>	See section 5 of this plan.
<i>Public register</i>	Means 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). See section 3 of PPIPA.
<i>Privacy Act</i>	Means the <i>Privacy Act 1988</i> of the Commonwealth.
<i>PPIPA</i>	Means the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
<i>the Code</i>	Mean the <i>Privacy Code of Practice for Local Government</i> made under Part 3 of the <i>Privacy and Personal Information Protection Act 1998</i> .

Policy statement

Burwood Council is committed to complying with the Information Protection Principles set out in the PPIPA and the Health Privacy Principles set out in the HRIPA.

Council will collect, hold, disclose and manage personal information and health information for the purpose of its functions, operations and activities and in compliance with relevant NSW privacy laws and guidelines.

Personal information — what is and isn't personal information?

Section 4 of the PPIPA defines personal information as:

information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

However, personal information **does not** include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Where Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, Section 8 of the GIPA Act).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper
- Personal information on the Internet
- Books or magazines that are printed and distributed broadly to the general public
- Council Business papers or that part that is available to the general public
- Personal information that may be a part of a public display on view to the general public.

Section 4A of the PPIPA also specifically excludes “health information” (as defined by Section 6 of the HRIPA) from the definition of personal information. However, health information is included in the PPIPA’s consideration of public registers. Information about Council’s treatment of health information and public registers is covered in Part 2 of this plan.

Personal information held by Council

Burwood Council holds personal information concerning Councillors, such as:

- personal contact information
- complaints and disciplinary matters
- pecuniary interest returns
- entitlements to fees, expenses and facilities
- payroll and superannuation data
- professional development plans

The Council holds personal information concerning its customers, ratepayers and residents, such as:

- rates records
- development applications and related submissions
- customer requests
- library records
- Enfield Aquatic Centre records
- donation, grant and sponsorship applications
- Submissions and informant collected as part of Council’s community engagement and consultation activities
- CCTV footage
- various types of health information

The Council holds personal information concerning its employees, contractors, advisory committee members and volunteers, such as:

- recruitment material
- leave and payroll data
- personal contact information
- qualifications and certifications relevant to the job
- performance management plans
- disciplinary matters
- pecuniary interest returns
- wage and salary entitlements
- health information (such medical certificates and workers’ compensation claims)

Unsolicited information

Unsolicited information is personal or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes volunteered, gratuitous or irrelevant information received.

Such information is not deemed to have been collected by Council, meaning the Information Protection Principles relating to collection do not apply to that information. However, the retention, use and disclosure principles will apply to any such information in Council’s possession.

Applications for suppression in relation to general information (not public registers)

Under Section 739 of the LGA a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person’s place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of Section 739.

When in doubt, Council will err in favour of suppression.

PART 2 – PUBLIC REGISTERS

Public registers held by Council

Council is required by law to maintain a number of public registers and to make them available for public inspection. Council will maintain a Table of Public Registers held by Council, which will be published on Council's website, together with this plan.

Some parts of the public register may already be available in published form. The PIPPA does not apply to personal information that has already been legitimately published that way. Anything not already published legitimately will be subject to the procedures for disclosure outlined in this Part.

For example, the *Environmental Planning and Assessment Act 1979* requires Council to advertise or publish applications for development consent. When Council publishes the address of the property, it may identify the owner.

The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA, being the Register of Consents and Certificates held by Council under Section 4.58 of the *Environmental Planning and Assessment Act 1979*.

Disclosure of personal information contained in public registers

Some of these registers contain personal information. Personal information contained in a public register, other than where required by legislation, will only be disclosed where Council satisfied that the information is to be used for a purpose consistent with the purpose of the register. (See section 57 of PPIPA.)

A person wishing to have access to a public register to confirm their own details needs only to provide proof of their identity to Council before having access to their own personal information.

A person seeking access to someone else's personal information contained in a public register will be expected to provide Council with information in writing about the purpose for which the information will be used. Council may request a statutory declaration as to the purpose for which access to the information is being sought. If the purpose is not consistent with the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by PPIPA or as health information for the purposes of Part 6 of PPIPA.

Purposes of public registers

Some registers have been created to serve a number of purposes. The following section provides guidance on the primary purpose of some of the public registers held by Council. In some cases, a secondary purpose has also been identified as a guide to what might constitute a "purpose relating to the register" under Section 57 (1) of PPIPA.

Purposes of Public Registers under the LG Act

- **Land Register (Section 53)** – The primary purpose is to 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)** – The primary purpose is to identify all approvals granted under the LG Act. There is a corresponding public accountability purpose and third party access is a secondary purpose.
- **Register of Pecuniary Interests Returns (Section 440AAB)** – The primary purpose of this register is to record the tabling of returns of disclosures of pecuniary interests by councillors and other designated persons under the *Codes of Conduct*. There is a corresponding public accountability purpose and third party access is a secondary purpose.

- **Rates Record (Section 602)** – The primary purpose is to record the value and category of a parcel of land, rate liability (including any exemptions) in respect of that land, and the rates and charges levied on that land. The secondary purpose includes recording the owner or lessee of each parcel of land.

For example, a disclosure on a rating certificate under Section 603 of the LGA that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is a purpose relating to the purpose of the register.

Purposes of Public Registers under the *Environmental Planning and Assessment Act 1979*

- **Register of consents and certificates (Section 4.58)** – The primary purpose is to identify applications for development consent, the determinations (and any terms) of those applications, the determinations (and any terms) of complying development certificates, and any decisions on appeal from such determinations.
- **Record of building information certificates (Section 6.26)** – The primary purpose is to identify all building certificates. Inspection of that record by the public is a secondary purpose. However, Section 6.26 requires that a copy can only be made with the consent of the owner of the building.

Purposes of Public Registers under the *Protection of the Environment Operations Act 1997*

- **Public register of licences held (Section 308)** – The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the *Public Spaces (Unattended Property) Act 2021*

- **Record of property taken possession of (Section 33)** – The primary purpose is to identify any property that is taken possession of by Council under the Act. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Secondary purposes of all public registers

Council aims to be open and accountable and considers that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of records from public registers would normally be considered to be allowable under Section 57 of PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a public register held by Council will not necessarily fit within this purpose. Council will be guided by the *Privacy Code of Practice for Local Government* in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

Other purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register may be given access at the discretion of Council but only in accordance with the Code concerning Public Registers.

Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than Section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under Section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining

public access to the information outweighs any individual interest in suppressing the information, in accordance with Section 58(2) of the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, this Plan, the *Privacy Code of Practice for Local Government* and PPIPA apply to the use and disclosure of information in those registers.

Council may hold a register under the *Contaminated Land Management Act 1997* on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

PART 3 – INFORMATION PRIVACY PROTECTION PRINCIPLES

This Part outlines how Council complies with the IPPs prescribed under PPIPA.

COLLECTION OF INFORMATION

IPP 1 – Lawful collection ([Section 8](#) of PPIPA)

Council policy

- Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. Council's functions and activities are outlined in its [Agency Information Guide](#).
- Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.
- Collection of information under the *Companion Animals Act 1998* and Council's use of the Companion Animals Register is guided by the Departmental Chief Executive's guidelines, which have been developed with the PPIPA in mind.
- The Code makes no provision to depart from the requirements of this principle.

Role of Privacy Contact Officer

- In order to ensure compliance with IPP 1, internet contact forms, rates notices, application forms of whatever nature, or written requests by which personal information is collected by Council, will be referred to the Privacy Contact Officer prior to adoption or use. Burwood Council's Privacy Contact Officer is the Public Officer (Manager Governance & Risk). The Privacy Contact Officer will also provide advice as to:
 - Whether the personal information is collected for a lawful purpose
 - If that lawful purpose is directly related to a function of Council
 - Whether or not the collection of that personal information is reasonably necessary for the specified purpose

Any further concerns of a legal nature will be referred to Council's solicitor.

IPP 2 – Direct collection (Section 9 of PPIPA)**Council policy**

- Council collects personal information directly from the person concerned, except as provided for in Section 9 or under other statutory exemptions or Codes of Practice.
- The compilation or referral of registers and rolls are the major means by which the Council collects personal information. Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.
- In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.
- Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.
- Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.
- Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under Section 9 (a) of the PPIPA.
- The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.
- Where Council cannot collect personal information directly from the person, it will ensure one of the following:
 - Council has obtained authority from the person under Section 9(a) of the PPIPA.
 - The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
 - The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
 - The collection of personal information indirectly where one of the below statutory exemptions applies.
 - The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.
- The only other exception to the above is in the case where Council is given unsolicited information.

Existing statutory exemptions under PIPPA

- Compliance with IPP 2 is also subject to certain exemptions under PPIPA. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 23(2) of the PPIPA permits non-compliance with IPP 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.
 - Section 24(4) of the PPIPA extends the operation of Section 24(1) to Councils and permits non-compliance with IPP 2 if a Council is:
 - investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency
 - if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions
 - Section 25(a) of the PPIPA permits non-compliance with IPP 2 where the agency is fully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA permits non-compliance with IPP 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

- Section 26(1) of the PPIPA permits non-compliance with IPP 2 if compliance would prejudice the interests of the individual concerned.

IPP 3 – Requirements when collecting ([Section 10 of PPIPA](#))

Council policy

- Council informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed.
- Council will tell people how they can access and amend their personal information and any possible consequences, if they decide not to give their personal information to us.
- Council will inform persons if the information is required by law or voluntarily given.
- Council will inform individuals which department or business unit within Council holds their personal information, and of the right to access and correct that information.
- Council will adapt the general Section 10 pre-collection Privacy Notification form as appropriate.
- The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

Post-collection

- Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will endeavour to advise those individuals that it has collected their personal information (for example, in the case of a change of property ownership, by including a privacy notification form in the next issue of their rates notice).
- A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next.

IPP 4 – Relevance of collection ([Section 11 of PPIPA](#))

Council policy

- Council ensures personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.
- Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with IPP 4 by the Public Officer or other suitable person. Should there be any residual doubts, advice will be sought from the IPC.
- The *Privacy and Personal Information Protection Regulation 2019* provides that local councils are exempt from Section 11 of PPIPA in with respect to the collection of personal information by using a CCTV camera that the council installs for the purpose of filming a public place, if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).
- Council manages personal data images collected via the use of closed circuit television in accordance with the *NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places*, the PPIPA and the *Work Place Surveillance Act 2005*.
- The Code makes no provision to depart from the requirements of this principle.

Collection by external and related bodies

- Anyone or anybody exercising a function of Council will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA. This includes:
 - Council owned businesses
 - Council consultants
 - Private contractors
 - Council committees
- Council will seek to contractually bind each of these entities to comply with the PPIPA.

- Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:
 - obtain a written authorisation and consent to that collection
 - notify those persons in accordance with IPP 3 as to the intended recipients and other matters required by that principle.

Collection in relation to investigations

- Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPPs 1 to 4.

STORAGE OF INFORMATION

IPP 5 – Retention and security of information ([Section 12 of PPIPA](#))

Council policy

- Information is kept for no longer than is necessary for the purposes for which the information may lawfully be used
- Information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information
- Information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse
- If it is necessary for Council to give information to a person in connection with the provision of a service to Council, everything reasonably within the power of the Council is done to prevent unauthorised use or disclosure of the information
- Council may use the following or similar documents to comply with this principle:
 - Records Management Plan
 - Records Storage Maintenance and Monitoring Procedure
 - Records Counter Disaster Plan and Vital Records Corporate Practice
 - Records Removed from Council Premises Procedure
 - Records Appraisal and Disposal Corporate Practice
 - Records Storage and Security Corporate Practice
 - Information Security Policy
- The Code makes no provision to depart from the requirements of this principle.

ACCESS AND ACCURACY OF INFORMATION

IPP 6 – Transparency ([Section 13 of PPIPA](#))

Council policy

- Council is transparent about any personal information that is stored, what it is used for, and the right to access and amend it.
- Council notes that IPP 6 is subject to any applicable conditions or limitations contained in the GIPA Act.
- If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.
- Any person can make application to Council by completing the appropriate form and submitting it to Council.
- Where Council receives an application or request by a person as to whether Council holds information about them, Council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with Council in order to assist Council to conduct the search.
- Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.
- The Code makes no provision to depart from the requirements of this principle.

Collection in relation to investigations

- Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPP 6.

Existing statutory exemptions under PIPPA

- Compliance with IPP 6 is also subject to certain exemptions under PPIPA. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 25(a) of the PPIPA permits non-compliance with IPP 6 where Council is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA permits non-compliance with IPP 6 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Reporting matters

Council will issue a statement to be included on its website concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual’s right to access their own personal information.

IPP 7 – Accessibility ([Section 14 of PPIPA](#))**Council policy**

- Council allows people to access their own personal information without reasonable delay or expense.
- Customers wishing to exercise their right of access to their own personal information should apply in writing using the approved form or direct their inquiries to the Public Officer, who will make a determination.
- Members of staff wishing to exercise their right of access to their personal information should apply in writing using the approved form or direct their inquiries to the Director People & Performance, who will deal with the application.
- Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However, use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.
- Under Section 20(5) of the PPIPA, IPA 7 is subject to any applicable conditions or limitations contained in the GIPA Act.
- In order to comply with the requirement to provide the requested information “without excessive delay or expense”, Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.
- IPP 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.
- The Code makes no provision to depart from the requirements of this principle.

Existing statutory exemptions under PIPPA

- Compliance with IPP 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 25(a) of the PPIPA permits non-compliance with IPP 7 where Council is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA non-compliance with IPP 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

IPP 8 – Correctness of Information ([Section 15](#) of PPIPA)**Council policy**

- Council allows people to update, correct or amend their personal information where necessary.
- Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request. That request should be made using the approved form and should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under Section 15.
- If personal information is amended in accordance with this Section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council. Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.
- If Council declines to amend personal information as requested, it will, on request of the individual concerned, place an addendum on the information in accordance with Section 15(2) of the PPIPA.
- Where there are complaints about the accuracy of information that are, or could be, the subject of a staff complaint or grievance, they will be referred to the Director People & Performance in the first instance and treated in accordance with the *Grievance and Complaint Handling Procedures*.
- Any alterations that are, or could be, the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.
- The Code makes no provision to depart from the requirements of this principle.

State Records Act 1998

- Under the *State Records Act 1998* the deletion of records only occurs in accordance with records disposal authorities. However, as a result of Section 15(1) of the PPIPA, some deletions, corrections and additions to records may be allowed in accordance with IPP 8. Where a record is deleted or altered in accordance with IPP 8, a record of that deletion or alteration having been made should be created to ensure a proper record audit trail.

USE OF INFORMATION**IPP 9 – Ensuring accuracy of personal information before use ([Section 16](#) of PPIPA)****Council policy**

- Council makes sure that personal information is relevant and accurate before using it.
- The steps taken to comply with IPP 9 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.
- The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.
- For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.
- The Code makes no provision to depart from the requirements of this principle.

IPP 10 – Limits on use of personal information ([Section 17](#) of PPIPA)

- Council only uses personal information for the purpose it was collected for.
- Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.
- The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s
- where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

An example of where Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions is the Rates Record that Council holds under Section 602 of the LGA. The Rates Record may also be used to:

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree preservation order.

External and related bodies

- Anyone or anybody exercising a function of Council will be required to comply IPP 10. This includes:
 - Council owned businesses
 - Council consultants
 - Private contractors
 - Council committees
- Council will seek to contractually bind each of these bodies or persons to comply.
- Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with Section 17(a) of the PPIPA to the use of the information for another purpose.

Investigative Functions

- Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPP 10.

Existing exemptions under the Act

- Compliance with IPP 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 23(4) of the PPIPA permits Council not to comply with IPP 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. "Law enforcement purposes" means a breach of the criminal law and criminal law enforcement. This Section does not remove the rights of an accused person. "Protection of the public revenue" means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.
 - Section 24(4) of the PPIPA extends the operation of Section 24(2) to Councils and permits non-compliance with IPP 10 where:
 - Council is investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency
 - the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the Council to exercise its complaint handling functions or any of its investigative functions.
- Section 25(a) of the PPIPA permits non-compliance with IPP 10 where Council is lawfully authorised or required not to comply with the principle.
- Section 25(b) of the PPIPA permits non-compliance with IPP 10 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the

Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

DISCLOSURE OF PERSONAL INFORMATION

IPP 11 – Limits on disclosure of personal information ([Section 18 of PPIPA](#))

- Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.
- Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with Section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service that supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.
- The Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- The Code makes provision for Council to depart from this principle in the following circumstances:
 - Council may disclose personal information to public sector agencies or public utilities on condition that:
 - the agency has approached Council in writing
 - Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency
 - Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s
 - Where personal information that has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
 - Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.
- Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

- Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPP 11.

Existing exemptions under the Act

- Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 23(5)(a) of the PPIPA permits non-compliance with IPP 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for

law enforcement purposes. "Law enforcement purposes" means a breach of the criminal law and criminal law enforcement. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

- Section 23(5)(b) of the PPIPA permits non-compliance with IPP 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- Section 23(5)(c) of the PPIPA permits non-compliance with IPP 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- Section 23(5)(d)(i) of the PPIPA permits non-compliance with IPP 11 where disclosure is reasonably necessary for the protection of the public revenue. "Protection of the public revenue" could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- Section 23(5)(d)(ii) of the PPIPA permits non-compliance with IPP 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.
- Section 24(4) of the PPIPA permits non-compliance with IPP 11 if:
 - investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency
 - if the disclosure is to an investigative agency
 Note: "investigative agency" is defined at s.3 of PPIPA.
- Section 25(a) of the PPIPA permits non-compliance with IPP 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with IPP 11 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
- Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.
- It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

- Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

IPP 12 – Special restrictions on disclosure of personal information ([Section 19 of PPIPA](#))

- Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious 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.
- Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:

- Section 23(7) of the PPIPA permits non-compliance with IPP 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.
 - Section 25(a) of the PPIPA permits non-compliance with IPP 12 where Council is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA permits non-compliance with IPP 12 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.
 - Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
 - Section 28(2) permits non-compliance with IPP 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.
 - Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.
- It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

- Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

1. PART 4 – HEALTH PRIVACY PRINCIPLES

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual
- an individual’s express wishes about the future provision of health services to him or her
- other personal information collected in connection with the donation of human tissue
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants

Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for Councils to be familiar with the 15 Health Protection Principles set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which local councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds
- Issuing of clean up orders that may include recording information about a resident's health, GP professional contact details or involvement with mental health services
- Volunteer programs where volunteers are asked to disclose health conditions that may preclude them from some types of volunteer work
- Meals on Wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes
- Seniors bus outings where information may be collected on special medical needs
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc.
- Physical exercise classes
- Some councils run Podiatry services
- Information may be collected through a healthy community program
- Children's immunization records
- Family counsellor/youth support workers' records.

HPPs 1 to 4 – Collection of health information ([Schedule 1, sections 1–4 of HRIPA](#))

Council policy

- Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1).
- Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).
- Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so (HPP 3).
- Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how they can see and correct the health information (HPP 4).
- If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 4).

Exemptions

- An organisation is not required to comply with HPP 4 if:
 - the individual to whom the information relates has expressly consented to the organisation not complying with it
 - the organisation is lawfully authorised or required not to comply with it
 - non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the *State Records Act 1998*)
 - compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates the information concerned is collected for law enforcement purposes
 - the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.

HPP 5 – Retention and security of health information ([Schedule 1, Section 5](#) of HRIPA)**Council policy**

- Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately

Exemptions

- An organisation is not required to comply with a requirement of HPP 5 if:
 - the organisation is lawfully authorised or required not to comply with it
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).
- If the organisation is an investigative agency, it is not required to comply with the HPP 5 requirement to ensure the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used.

HPP 6 to 9 – Transparency about, access to, amendment of and accuracy of health information held and used by organisations ([Schedule 1, Sections 6–9](#) of HRIPA)**Council policy**

- Council will provide details about what health information Council is holding about an individual, information about why Council is storing that information, and what rights of access the individual has (HPP 6).
- Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).
- Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8).
- Council will make sure that the health information is relevant and accurate before using it (HPP 9).

HPP 10 – Use of health information ([Schedule 1, Section 10](#) of HRIPA)**Council policy**

- Council will only use the health information for the primary purpose for which, unless it is for the person concerned has consented to its use or one of the secondary purposes described in Section 10 of Schedule 1 applies. Those secondary purposes include:
 - a purpose directly related to the primary purpose where the person would reasonably expect Council to disclose the information
 - where there is a serious threat to health or welfare
 - for the management of a health service
 - for the training of employees
 - for research, or the compilation or analysis of statistics, in the public interest
 - to assist a law enforcement agency in relation to a missing person
 - in relation to suspected unlawful activity, unsatisfactory professional conduct or a breach of discipline
 - for the exercise of law enforcement functions by a law enforcement agency where an offence may have been committed
 - for the exercise of complaint handling or investigation functions by an investigative agency (this extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency)
 - other circumstances prescribed by the regulations.

Exemptions

- An organisation is not required to comply with HPP 10 if:

- the organisation is lawfully authorised or required not to comply with the provision concerned
- non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).
- HPP 10 does not prevent or restrict the disclosure of health information by a public sector agency:
 - to another public sector agency under the administration of the same Minister, if the disclosure is for the purposes of informing that Minister about any matter within that administration
 - to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.

HPP 11 – Disclosure of health information ([Schedule 1, Section 11](#) of HRIPA)

Council policy

- Council will only disclose health information for the primary purpose for which, unless it is for the person concerned has consented to its use or one of the secondary purposes described in Section 10 of Schedule 1 applies. Those secondary purposes include:
 - a purpose directly related to the primary purpose where the person would reasonably expect Council to disclose the information
 - where there is a serious threat to health or welfare
 - for the management of a health service
 - for the training of employees
 - for research, or the compilation or analysis of statistics, in the public interest
 - to assist a law enforcement agency in relation to a missing person
 - in relation to suspected unlawful activity, unsatisfactory professional conduct or a breach of discipline
 - for the exercise of law enforcement functions by a law enforcement agency where an offence may have been committed
 - to an immediate family member of the individual for compassionate reasons
 - for the exercise of complaint handling or investigation functions by an investigative agency (this extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency)
 - other circumstances prescribed by the regulations.

Exemptions

- An organisation is not required to comply with HPP 11 if:
 - the organisation is lawfully authorised or required not to comply with the provision concerned
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).
- HPP 11 does not prevent or restrict the disclosure of health information by a public sector agency:
 - to another public sector agency under the administration of the same Minister, if the disclosure is for the purposes of informing that Minister about any matter within that administration
 - to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.

HPP 12 – Identifiers ([Schedule 1, Section 12](#) of HRIPA)**Council policy**

- 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).

HPP 13 – Anonymity ([Schedule 1, Section 13](#) of HRIPA)**Council policy**

- Council will provide health services anonymously where it is lawful and practical to do so.

HPP 14 – Trans border data flows and data flow to Commonwealth agencies ([Schedule 1, Section 14](#) of HRIPA)

- HPP 14 prevents the transfer of health information about an individual to any person or body who is in a jurisdiction outlines NSW or to a Commonwealth agency unless specified requirements are met.
- Council will only transfer personal information out of New South Wales if the requirements of HPP 14 are met.

HPP 15 – Linkage of health records ([Schedule 1, Section 15](#) of HRIPA)**Council policy**

- Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link.

Exemptions

- An organisation is not required to comply with HPP 15 if:
 - the organisation is lawfully authorised or required not to comply with the provision concerned
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*)
 - the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with Schedule 1, Clause 10 (1) (f) of HRIPA or a disclosure of the information that complies with Schedule 1, Clause 11 (1) (f) or HRIPA.

PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

Training Seminars/Induction

All Council officials should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 IPPs the 15 HPPs, the Public Register provisions, the *Privacy Code of Practice for Local Government*, this Plan and any other applicable Code of Practice.

During induction, all employees should be made aware that the performance management system will include personal information on their individual work performance or competency.

Responsibilities of the Privacy Contact Officer

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers
- face the computers away from the public
- only allow the record system to show one record at a time

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- Whether the personal or health information is collected for a lawful purpose
- If that lawful purpose is directly related to a function of Council
- Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose

Any further concerns of a legal nature will be referred to a legal specialist engaged by Council,

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner, the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the IPC.

PART 6 – INTERNAL REVIEW

How does the process of Internal Review operate?

Under Section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a Council is entitled to a review of that conduct. An application for internal review is to be made within 6 months of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the Council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the Council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

The Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An internal review checklist has been prepared by the IPC and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

What happens after an Internal Review?

If the complainant remains unsatisfied, they may appeal to the NSW Civil and Administrative Tribunal (NCAT), which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

PART 7 – OTHER RELEVANT MATTERS

Mandatory Data Breach Scheme

In accordance with the MNDB Scheme established under Part 6A of the PPIPA, Council has in place a *Data Breach Policy* that sets out how Council will respond to a data breach that involves disclosure of personal information. The policy outlines the roles and responsibilities of Council officers in relation to managing a breach and the steps Council will follow if a breach occurs.

The *Data Breach Policy*, together with the *Cyber Crime and Security Incident Corporate Practice* and *Cybersecurity Incident Response Plan*, and related procedures, provides comprehensive guidance to Council officials on how to prevent, prepare for, identify, report, contain, evaluate and notify an eligible data breach.

Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information that may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

Misuse of personal or health information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that Section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

Procedures, forms and other guidance

The Privacy Contact Officer will lead the development of appropriate procedures, forms, templates and other guidance material to assist the implementation of this Plan.

Review

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date. At a minimum, the Plan will be reviewed every four years.

Further information

Council Contact: Manager Governance & Risk Ph 9911 9910.

The IPC can also provide assistance with understanding the processes under the PPIPA and HRIPA.

ITEM NUMBER 91/23 - ATTACHMENT 1

Fees and Charges 2023-2024 Roads and Footpaths - with rate increases

Road Replacements

Ref

0777 Asphalt road (AC10 or AC14, 50mm) – up to 15m²
 0778 Asphalt road (AC10 or AC14, 50mm) – greater than 15m², less than 50m²

0779 Asphalt road (AC10 or AC14, 50mm) – greater than 50m², less than 100m²

0780 Asphalt road (AC10 or AC14, 50mm) – greater than 100m², less than 500m²

0781 Asphalt road (AC10 or AC14, 50mm) – greater than 500m²

0782 Asphalt road (full depth repair 150mm) – up to 15m²
 0783 Asphalt road (full depth repair 150mm) – greater than 15m², less than 50m²

0784 Asphalt road (full depth repair 150mm) – greater than 50m², less than 100m²

0785 Asphalt road (full depth repair 150mm) – greater than 100m², less than 500m²

0786 Asphalt road (full depth repair 150mm) – greater than 500m²

0787 Asphalt road surface (AC10, 50mm) with concrete base (250mm, 40MPa RMS mix with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base) – up to 15m²

0788 Asphalt road surface (AC10, 50mm) with concrete base (250mm, 40MPa RMS mix with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base) – greater than 15m², less than 50m²

0789 Asphalt road surface (AC10, 50mm) with concrete base (250mm, 40MPa RMS mix with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base) – greater than 50m², less than 100m²

0790 Asphalt road surface (AC10, 50mm) with concrete base (250mm, 50MPa with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix subbase) – greater than 100m², less than 500m²

0791 Asphalt road surface (AC10, 50mm) with concrete base (250mm, 40MPa RMS mix with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base) – greater than 500m²

0792 Concrete road, 40MPa RMS mix, 250mm with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base – up to 15m²

0793 Concrete, 50MPa, 230mm with 2 layers of SL81 reinforcing mesh on 150mm 5MPa lean mix subbase – greater than 15m², less than 50m²

0794 Concrete road, 40MPa RMS mix, 250mm with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base – greater than 50m², less than 100m²

0795 Concrete road, 40MPa RMS mix, 250mm with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base – greater than 100m², less than 500m²

0796 0796 Concrete road, 40MPa RMS mix, 250mm with 2 layers of SL82 reinforcing mesh on 150mm 5MPa lean mix sub-base – greater than 500m²

Footpath Replacements

Ref

0797 Construct pram ramp (billed per pram ramp)

0798 Asphaltic footpath (ACS, 25mm) – up to 15m²

0799 Asphaltic footpath (ACS, 25mm) – greater than 15m², up to 50m²

0800 Asphaltic footpath (ACS, 25mm) – greater than 50m², up to 100m²

0801 Asphaltic concrete (ACS, 25mm) – greater than 100m²

0802 Concrete footpath – less than 15m²

0803 Concrete footpath – greater than 15m², less than 50m²

0804 Concrete footpath – greater than 50m², less than 100m²

0805 Concrete footpath – greater than 100m², less than 500m²

0806 Concrete footpath – greater than 500m²

0807 Footpath paving – standard clay brick pavers – less than 15m²

0808 Footpath paving – standard clay brick pavers – greater than 15m², less than 50m²

0809 Footpath paving – standard clay brick pavers – greater than 50m², less than 100m²

0810 Footpath paving – standard clay brick pavers – greater than 100m², less than 500m²

0811 Footpath paving – standard clay brick pavers – greater than 500m²

0812 Footpath paving – Town Centre concrete pavers – less than 15m²

0813 Footpath paving – Town Centre concrete pavers – greater than 15m², less than 50m²

0814 Footpath paving – Town Centre concrete pavers – greater than 50m², less than 100m²

0815 Footpath paving – Town Centre concrete pavers – greater than 100m², less than 500m²

0816 Footpath paving – Town Centre concrete pavers – greater than 500m²

0817 Nature strip turfing (supply and lay on prepared soil), rate per m²

0818 Watering of new turf, rate per hour.

Saw Cutting

Ref

0819 Sawcutting, asphalt, up to 100mm depth, up to 50m (rate per metre)

0820 Sawcutting, asphalt, up to 250mm depth, up to 50m (rate per metre)

0821 Sawcutting, concrete, up to 150mm depth, up to 50m (rate per metre)

0822 Sawcutting, concrete, up to 300mm depth, up to 50m (rate per metre)

0823 Sawcutting, reinforced concrete, up to 150mm depth, up to 50m (rate per metre)

0824 Sawcutting, reinforced concrete, up to 300mm depth, up to 50m (rate per metre)

0825 Sawcutting, site establishment

Driveway Replacements

Ref

	Year 23/24			Proposed Year 23/24 (20% increase)		
	Fee	GST	Fee	Fee	GST	Fee
	(excl. GST)		(incl. GST)	(excl. GST)		(incl. GST)
	\$230.00	\$23.00	\$253.00	\$276.00	\$27.60	\$303.60
	\$206.82	\$20.68	\$227.50	\$248.18	\$24.82	\$273.00
	\$184.09	\$18.41	\$202.50	\$220.91	\$22.09	\$243.00
	\$160.45	\$16.05	\$176.50	\$192.55	\$19.25	\$211.80
		Quote plus 15%		\$0.00	\$0.00	
	\$325.45	\$32.55	\$358.00	\$390.55	\$39.05	\$429.60
	\$295.45	\$29.55	\$325.00	\$354.55	\$35.45	\$390.00
	\$277.27	\$27.73	\$305.00	\$332.73	\$33.27	\$366.00
	\$253.64	\$25.36	\$279.00	\$304.36	\$30.44	\$334.80
		Quote plus 15%			Quote plus 15%	
	\$986.36	\$98.64	\$1,085.00	\$1,183.64	\$118.36	\$1,302.00
	\$630.91	\$63.09	\$694.00	\$757.09	\$75.71	\$832.80
	\$557.27	\$55.73	\$613.00	\$668.73	\$66.87	\$735.60
	\$535.45	\$53.55	\$589.00	\$642.55	\$64.25	\$706.80
		Cost plus 15%			Cost plus 15%	
	\$748.18	\$74.82	\$823.00	\$897.82	\$89.78	\$987.60
	\$549.09	\$54.91	\$604.00	\$658.91	\$65.89	\$724.80
	\$504.55	\$50.45	\$555.00	\$605.45	\$60.55	\$666.00
	\$484.55	\$48.45	\$533.00	\$581.45	\$58.15	\$639.60
		Quote plus 15%			Cost plus 15%	
	\$1,936.36	\$193.64	\$2,130.00	\$2,323.64	\$232.36	\$2,556.00
	\$208.18	\$20.82	\$229.00	\$249.82	\$24.98	\$274.80
	\$141.36	\$14.14	\$155.50	\$169.64	\$16.96	\$186.60
	\$110.91	\$11.09	\$122.00	\$133.09	\$13.31	\$146.40
		Quote plus 15%			Quote plus 15%	
	\$242.27	\$24.23	\$266.50	\$290.73	\$29.07	\$319.80
	\$205.91	\$20.59	\$226.50	\$247.09	\$24.71	\$271.80
	\$181.82	\$18.18	\$200.00	\$218.18	\$21.82	\$240.00
	\$158.18	\$15.82	\$174.00	\$189.82	\$18.98	\$208.80
		Quote plus 15%			Quote plus 15%	
	\$639.09	\$63.91	\$703.00	\$766.91	\$76.69	\$843.60
	\$554.55	\$55.45	\$610.00	\$665.45	\$66.55	\$732.00
	\$435.45	\$43.55	\$479.00	\$522.55	\$52.25	\$574.80
	\$411.82	\$41.18	\$453.00	\$494.18	\$49.42	\$543.60
		Quote plus 15%			Quote plus 15%	
	\$697.27	\$69.73	\$767.00	\$836.73	\$83.67	\$920.40
	\$607.27	\$60.73	\$668.00	\$728.73	\$72.87	\$801.60
	\$532.73	\$53.27	\$586.00	\$639.27	\$63.93	\$703.20
	\$507.27	\$50.73	\$558.00	\$608.73	\$60.87	\$669.60
		Quote plus 15%			Quote plus 15%	
	\$45.00	\$4.50	\$49.50	\$54.00	\$5.40	\$59.40
	\$99.09	\$9.91	\$109.00	\$118.91	\$11.89	\$130.80
	\$21.36	\$2.14	\$23.50	\$25.64	\$2.56	\$28.20
	\$85.00	\$8.50	\$93.50	\$102.00	\$10.20	\$112.20
	\$42.27	\$4.23	\$46.50	\$50.73	\$5.07	\$55.80
	\$90.45	\$9.05	\$99.50	\$108.55	\$10.85	\$119.40
	\$36.36	\$3.64	\$40.00	\$43.64	\$4.36	\$48.00
	\$90.45	\$9.05	\$99.50	\$108.55	\$10.85	\$119.40
	\$409.09	\$40.91	\$450.00	\$490.91	\$49.09	\$540.00

ITEM NUMBER 91/23 - ATTACHMENT 1

Fees and Charges 2023-2024 Roads and Footpaths - with rate increases

0827	Concrete driveway 150mm with SL72 greater than 15 m ² , less than 50m ² – per m ²	\$290.91	\$29.09	\$320.00	\$349.09	\$34.91	\$384.00
0828	Concrete driveway 150mm with SL72 greater than 50 m ² , less than 100m ² – per m ²	\$242.27	\$24.23	\$266.50	\$290.73	\$29.07	\$319.80
0829	Concrete driveway 150mm with SL72 greater than 100m ² – per m ²	\$217.73	\$21.77	\$239.50	\$261.27	\$26.13	\$287.40
Kerb and Gutter Replacements							
Ref							
0830	Kerb and gutter – less than 15 lineal metres	\$411.82	\$41.18	\$453.00	\$494.18	\$49.42	\$543.60
0831	Kerb and gutter – greater than 15 and less than 50 lineal metres	\$328.18	\$32.82	\$361.00	\$393.82	\$39.38	\$433.20
0832	Kerb and gutter – greater than 50 and less than 100 lineal metres	\$303.64	\$30.36	\$334.00	\$364.36	\$36.44	\$400.80
0833	Kerb and gutter – greater than 100 and less than 500 lineal metres	\$278.18	\$27.82	\$306.00	\$333.82	\$33.38	\$367.20
0834	Kerb and gutter – greater than 500 lineal metres			Quote plus 15%			Quote plus 15%
0835	Kerb only – less than 15 lineal metres	\$411.82	\$41.18	\$453.00	\$494.18	\$49.42	\$543.60
0836	Kerb only – greater than 15 and less than 50 lineal metres	\$339.09	\$33.91	\$373.00	\$406.91	\$40.69	\$447.60
0837	Kerb only – greater than 50 and less than 100 lineal metres	\$290.91	\$29.09	\$320.00	\$349.09	\$34.91	\$384.00
0838	Kerb only – greater than 100 and less than 500 lineal metres	\$266.36	\$26.64	\$293.00	\$319.64	\$31.96	\$351.60
0839	Kerb only – greater than 500 lineal metres			Quote plus 15%			Quote plus 15%
0840	Gutter only – less than 15 lineal metres	\$435.45	\$43.55	\$479.00	\$522.55	\$52.25	\$574.80
0841	Gutter only – greater than 15 and less than 50 lineal metres	\$350.00	\$35.00	\$385.00	\$420.00	\$42.00	\$462.00
0842	Gutter only – greater than 50 and less than 100 lineal metres	\$290.91	\$29.09	\$320.00	\$349.09	\$34.91	\$384.00
0843	Gutter only – greater than 100 and less than 500 lineal metres	\$266.36	\$26.64	\$293.00	\$319.64	\$31.96	\$351.60
0844	Gutter only – greater than 500 lineal metres			Quote plus 15%			Quote plus 15%
0845	Concrete layback and gutter – less than 15 lineal metres	\$520.00	\$52.00	\$572.00	\$624.00	\$62.40	\$686.40
0846	Concrete layback and gutter – greater than 15 and less than 50 lineal metres	\$459.09	\$45.91	\$505.00	\$550.91	\$55.09	\$606.00
0847	Concrete layback and gutter – greater than 50 and less than 100 lineal metres	\$399.09	\$39.91	\$439.00	\$478.91	\$47.89	\$526.80
0848	Concrete layback and gutter – greater than 100 lineal metres			Quote plus 15%	\$0.00	\$0.00	\$0.00
0849	Concrete dish drain – less than 15 lineal metres	\$580.91	\$58.09	\$639.00	\$697.09	\$69.71	\$766.80
0850	Concrete dish drain – greater than 15 and less than 50 lineal metres	\$507.27	\$50.73	\$558.00	\$608.73	\$60.87	\$669.60
0851	Concrete dish drain – greater than 50 lineal metres			Quote plus 15%			Quote plus 15%
0852	Gutter Bridge Crossing with Hinged Heavy Duty Steel Grating Per lineal metre (minimum of 4.5m) nnenina	\$1,181.82	\$118.18	\$1,300.00	\$1,418.18	\$141.82	\$1,560.00
0853	Kerb outlet PVC up to 100mm diameter	\$253.64	\$25.36	\$279.00	\$304.36	\$30.44	\$334.80
Other - Line Marking							
Ref							
0854	Line marking (air-atomised or airless application) per metre	\$92.50	\$0.00	\$92.50	\$111.00	\$0.00	\$111.00
0855	Line marking (air-atomised or airless application) set-up costs	\$3,505.00	\$0.00	\$3,505.00	\$4,206.00	\$0.00	\$4,206.00
0856	Line marking (thermo-plastic) per metre	\$146.50	\$0.00	\$146.50	\$175.80	\$0.00	\$175.80
0857	Line marking (thermo-plastic) set-up costs	\$3,505.00	\$0.00	\$3,505.00	\$4,206.00	\$0.00	\$4,206.00
0858	Lines perpendicular to driveway	\$364.00	\$0.00	\$364.00	\$436.80	\$0.00	\$436.80
Sign Posting							
Ref							
0859	Directional sign installation (community based, nonprofit and religious organisations only)	\$252.50	\$0.00	\$252.50	\$303.00	\$0.00	\$303.00
0860	Street signage (supply and install)	\$379.00	\$0.00	\$379.00	\$454.80	\$0.00	\$454.80
0861	Parking and regulatory post and sign (per unit)	\$252.50	\$0.00	\$252.50	\$303.00	\$0.00	\$303.00
Stormwater Drainage							
Ref							
0862	Concrete pipes 375 diameter RCP, per metre	\$990.91	\$99.09	\$1,090.00	\$1,189.09	\$118.91	\$1,308.00
0863	Concrete pipes 450 diameter RCP, per metre	\$1,063.64	\$106.36	\$1,170.00	\$1,276.36	\$127.64	\$1,404.00
0864	Concrete pipes 600 diameter RCP, per metre	\$1,177.27	\$117.73	\$1,295.00	\$1,412.73	\$141.27	\$1,554.00
0865	Concrete pipes greater than 600 diameter RCP, per metre			Quote plus 15%			Quote plus 15%
0866	Galvanised RHS pipe equivalent up to 100 diameter PVC pipe, per metre	\$303.64	\$30.36	\$334.00	\$364.36	\$36.44	\$400.80
0867	Lintel 0.9m – 1.2m (billed per lintel)	\$1,936.36	\$193.64	\$2,130.00	\$2,323.64	\$232.36	\$2,556.00
0868	Lintel 1.8m (billed per lintel)	\$2,118.18	\$211.82	\$2,330.00	\$2,541.82	\$254.18	\$2,796.00
0869	Lintel 2.4m (billed per lintel)	\$2,536.36	\$253.64	\$2,790.00	\$3,043.64	\$304.36	\$3,348.00
0870	Lintel 3.0m (billed per lintel)	\$2,840.91	\$284.09	\$3,125.00	\$3,409.09	\$340.91	\$3,750.00
0871	Lintel 3.6m (billed per lintel)	\$2,840.91	\$284.09	\$3,125.00	\$3,409.09	\$340.91	\$3,750.00
0872	Pits greater than 1.5m x 1.5m x 1.5m in size (per pit)			Quote plus 15%			Quote plus 15%
0873	Pits up to 1.5m x 1.5m x 1.5m in size (per pit)	\$5,963.64	\$596.36	\$6,560.00	\$7,156.36	\$715.64	\$7,872.00
0874	Final drainage inspection / final road inspection including CCTV provided by applicant	\$568.00	\$0.00	\$568.00	\$619.64	\$61.96	\$681.60
Additional Fees and Charges Associated with Night Works							
Ref							
0875	Design single residential driveway (non DA/CDC application) (50% refund if driveways cannot be nermitted)	\$845.00	\$0.00	\$845.00	\$1,014.00	\$0.00	\$1,014.00
0876	Asphalt plant opening fee – per opening	\$3,325.00	\$0.00	\$3,325.00	\$3,990.00	\$0.00	\$3,990.00
0877	Cartage surcharge per cubic metre of asphalt and / or concrete	\$68.00	\$0.00	\$68.00	\$81.60	\$0.00	\$81.60
0878	Concrete plant opening fee – per opening	\$3,325.00	\$0.00	\$3,325.00	\$3,990.00	\$0.00	\$3,990.00
0879	Additional surcharge payable by the applicant for all items outside of Councils works departments operation hours of 6:30 am to 3:00 nm			30% surcharge per item FC			30% surcharge per item FC
Traffic Control							
Ref							
1042	Traffic control - administration fee	\$224.00	\$0.00	\$224.00	\$268.80	\$0.00	\$268.80
1043	During business hours	\$2,485.00	\$0.00	\$2,485.00	\$2,982.00	\$0.00	\$2,982.00
1044	Outside business hours	\$3,075.00	\$0.00	\$3,075.00	\$3,690.00	\$0.00	\$3,690.00
1045	Prepare and lodge a road occupancy license application for RMS roads	\$709.00	\$0.00	\$709.00	\$850.80	\$0.00	\$850.80
1046	Where steel plates are required, additional fees per steel plate shall be charged	\$2,375.00	\$0.00	\$2,375.00	\$2,850.00	\$0.00	\$2,850.00

ITEM NUMBER 92/23 - ATTACHMENT 1

Investment Register October 2023

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 31 October 2023

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/08/2023	Market Value as at 30/09/2023	Market Value as at Reporting Date	% of Total Invested
Cash										6.57
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	2,153,743	6,287,816	516,987	2,153,743	4.05
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	0.00
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	1,336,209	6,934,986	9,299,424	1,336,209	2.51
Council	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	1,248	1,243	1,245	1,248	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,623	3,593	3,608	3,623	0.01
Firm Deposits										34.24
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	3,000,000	3,001,849	-	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	3,000,000	3,049,315	3,061,644	3,074,384	5.78
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	3,000,000	3,029,918	3,043,726	3,057,995	5.75
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,010,247	4,028,329	4,047,014	7.61
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	-	4,011,898	7.55
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	-	-	4,012,416	7.55
Firm Deposits - Covered Fixed Bond										1.87
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Fixed Bond (4.85%) Semi Annual	AA-	1,000,000	1,019,560	1,019,050	994,060	1.87
Floating Rate Notes										57.32
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,516,830	1,522,110	1,507,350	2.83
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +88 bps)	AA-	800,000	807,888	811,048	802,880	1.51
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +105 bps)	AA-	1,500,000	1,509,330	1,515,165	1,519,320	2.86
Council	Rabobank U.A. Australia Branch	ADI	Rabobank U.A. Australia Branch	Floating Rate Notes (90 day BBSW mid + 118 bps)	A	1,500,000	1,524,105	1,529,115	1,511,775	2.84
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +112 bps)	AA-	3,000,000	3,057,750	3,066,390	3,034,680	5.71
Council	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	ADI	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	Floating Rate Notes (90 day BBSW +105 bps)	AA-	2,000,000	2,026,800	2,008,980	2,015,960	3.79
Council	United Overseas Bank Ltd Sydney Branch	ADI	United Overseas Bank Ltd Sydney Branch	Floating Rate Notes (90 day BBSW +73 bps)	AA-	2,000,000	2,021,600	2,002,220	2,009,260	3.78
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +138 bps)	BBB	1,000,000	984,720	989,710	993,950	1.87
Council	Sumitomo Mitsui Banking Corporation Sydney	ADI	Sumitomo Mitsui Banking Corporation Sydney	Floating Rate Notes (90 day BBSW +110 bps)	A	2,000,000	2,019,720	2,027,020	2,035,340	3.83
Council	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	1,488,075	1,493,295	1,499,010	2.82
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +65 bps)	BBB	2,500,000	2,507,850	2,485,550	2,496,525	4.70
Council	QPCU Limited T/A QBANK	ADI	QPCU Limited T/A QBANK	Floating Rate Notes (90 day BBSW +170 bps)	BBB-	2,750,000	2,791,663	2,759,295	2,772,248	5.21
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Floating Rate Notes (90 day BBSW +80 bps)	AA-	1,800,000	1,811,448	1,817,514	1,824,714	3.43
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,423,520	2,429,880	2,439,792	4.59
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,042,720	4,057,480	4,016,480	7.55
Grand Total						52,744,824	57,870,696	54,490,635	53,171,874	100.00

Credit Ratings	
AAA	Extremely strong capacity to meet financial commitments Highest Rating
AA	Very strong capacity to meet financial commitments.
A	Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances.
BBB	Adequate capacity to meet financial commitments, but more subject to adverse economic conditions.
CCC	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments
D	Payment default on financial commitments
+	Means that a rating may be raised
-	Means that a rating may be lowered

Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.



Sarah Seaman

Finance Manager

Types of Investments

Council's investment portfolio consists of the following types of investment:

- 1. Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Online Saver AA-
- Commonwealth Bank of Australia – Operating Account AA-
- AMP Business Saver and Notice – At Call/Notice BBB-

- 2. Floating Rate Notes (FRN)** - FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

FRNs are either sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

1. Term Deposits
2. Global Fixed Income Deposits
3. Senior Debt
4. Subordinated Debt
5. Hybrids
6. Preference shares
7. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

The Hon Paul Scully MP

Minister for Planning and Public Spaces



Ref: MDPE23/3451

Clr John Faker
Mayor
PO Box 240
BURWOOD NSW 1805
via: mayor@burwood.nsw.gov.au

Dear Clr Faker, *John*

I write to you regarding the need to allow for more housing in our low and medium density zones across New South Wales to help increase supply and diversity of homes we are delivering in our suburbs.

New South Wales is in a housing crisis. Through the National Housing Accord, councils and the NSW Government are committed to working together to look at every opportunity to address this crisis.

Our shared task is to approve and encourage the necessary investment and commencements for 377,000 homes by 2029.

The land use planning and assessment functions of councils and the Department will need to quickly adjust towards approaches that lead to more homes in well-located areas.

As a way to increase our housing numbers in NSW, the NSW Government has identified a number of limitations across the residential zones constraining our ability to deliver this diverse housing in our low and medium density areas. In Greater Sydney these include:

- Terraces, townhouses and 2 storey residential flat buildings (i.e. manor houses) are only permitted in the R2 low density residential zone in 2 of 35 Local Environmental Plans (LEPs) in Greater Sydney – just six per cent. This is despite 77 per cent of residential land being zoned R2. Even though the R3 medium density zones do allow terraces, they only make up 13% of residential land; and
- Residential flat buildings (RFBs) are only permitted in the R3 medium density zone in 47% of LEPs. Even though the R4 high density residential zones do allow RFBs, they only make up 3% of residential land.

The story is more mixed outside of our major cities but there are still opportunities available for the planning system to priorities low and mid-rise housing types in our main residential zones.

We are asking councils to review their local policy settings and approaches in the interests of housing supply. I ask you to identify existing well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted.

Research consistently shows that there is unmet demand for additional small apartment and low-rise multi-dwelling housing options as well as purpose-built rental and affordable and social housing.

With this in mind, the Department will be realigning its resources to support councils in these initiatives and is developing a tool kit to help councils and state agencies deliver the outcomes we need. Councils shouldn't wait for this work to happen, rather I am asking you to begin work identifying locations and permitting more low and mid-rise homes immediately.

This urgency for all of us to play our part to approve and deliver housing in all parts of New South Wales brings me to my final point. The upcoming 2024 NSW local government elections are scheduled to be held on Saturday 14 September 2024. The caretaker period will begin 4 weeks before on 16 August 2024.

The NSW local government elections may have an impact on some policy and program timeframes and exhibition dates and may impact on planning assessment timeframe targets.

All planning assessments and other council responsibilities and operations should continue as normal until the start of the caretaker period. It is my express view that councils should continue to undertake their legal responsibilities under local government and planning legislation to make sure that we keep up the momentum on delivering the approvals for housing developments across New South Wales.

I would also request that this letter be tabled at your next council meeting so that councillors are clear about the State government's intentions on behalf of the people of NSW to deliver more low and mid-rise homes, while reminding them of their duty during election periods.

We all have a part to play in delivering on the National Housing Accord and a role in helping the next generation into home ownership or long-term rental. I urge you to look at your policy settings with the aim of expanding the number of homes in your LGA.

Should you have any questions regarding the housing reform work or to caretaker conventions for local government elections, please contact the Department at stakeholder.engagement@dpie.nsw.gov.au.

Yours sincerely



Paul Scully MP
Minister for Planning and Public Spaces

30/10/23



Notice of Burwood Local Traffic Committee Meeting

The November 2023 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review.

The minutes from the October 2023 meeting has also been emailed to members for confirmation. All comments are requested to be returned to Council by 5.00pm Friday 3rd November 2023.

Tommaso Briscese
General Manager

Agenda

Acknowledgement of Country

Council acknowledges the Wangal people of the Eora Nation who are the traditional custodians of this land. Council also pays respect to their elders, both past and present, and extends that respect to other First Nations People who may be present.

Apologies/Leave of Absences

Confirmation of Minutes

Recommendation

That the Minutes of the October 2023 Meeting of Burwood Local Traffic Committee as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

GENERAL BUSINESS

(ITEM LTC27/23) WONGA STREET, STRATHFIELD - PROPOSED STOP CONTROLS 4

INFORMATION ITEMS

(ITEM TIN1/23) DATES FOR 2024 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS 6

(ITEM LTC27/23) WONGA STREET, STRATHFIELD - PROPOSED STOP CONTROLS

File No: 23/44299

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Council has a request from Transport for NSW to introduce 'Stop' controls at the priority T-intersection of Wonga Street and The Boulevarde, Strathfield, to assist in reducing accidents.

Background

A fatal accident occurred in September 2023 on The Boulevarde, Strathfield, involving a motorcycle rider travelling southbound and a vehicle turning left out of Wonga Street.

Following the accident, Transport for NSW investigated the accident in their monthly fatal response meeting, where it was recommended that STOP intersection controls be installed at Wonga Street's intersection with The Boulevarde. This change aims to address limited sight distances where obstructions cannot be removed and as determined in accordance with AS1742.2 – Section 2.5.3. - Requirements for installation of STOP signs.

With the limited sight distance for vehicles exiting Wonga St and difficulty of removing existing obstructions (i.e. large trees, bus shelter, etc.), TfNSW concluded that a STOP sign and associated line marking is warranted at this location recommended it for installation. Council has investigated this site and concurs with TfNSW's recommendation.

Proposal

It is proposed to introduce 'Stop' controls at the priority T-intersection of Wonga Street and The Boulevarde, Strathfield. The propose layout of the controls is shown in the below figure, as well as associated line marking.



Consultation

No Consultation has been undertaken as the proposal will not have a negative impact upon the community or residents.

Financial Implications

The cost of the installation of two 'Stop' control signs and required linemarking is estimated to be \$1,000 and will be funded from the 2023/24 Traffic Facilities Budget.

Recommendation

That Council approve the introduction of 'Stop' control signage and associated linemarking at the T-intersection of Wonga Street and The Boulevard, Strathfield

Attachments

There are no attachments for this report.

(ITEM TIN1/23) DATES FOR 2024 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

File No: 23/44298

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

The purpose of this report is to propose dates for the 2024 Burwood Local Traffic Committee Meetings.

Proposal

The following dates are proposed for the 2024 Burwood Local Traffic Committee Meetings:

February	Thursday 1 February 2024
March	Thursday 7 March 2024
April	Thursday 4 April 2024
May	Thursday 2 May 2024
June	Thursday 6 June 2024
July	Thursday 4 July 2024
August	Thursday 1 August 2024
September	Thursday 5 September 2024
October	Thursday 3 October 2024
November	Thursday 7 November 2024

All meetings to be conducted digitally unless informed otherwise.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.



MINUTES OF A MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically with all responses submitted by 5.00pm Friday 3 November 2023.

Attendance

Cr John Faker (Mayor) Chairperson
Ms Angelica Joie Abragan, Transport for NSW
Ms Maryann Duggan, Representative for State Member for Strathfield
Mr Adrian Pritchard, Transit Systems
Snr Constable Germaine Grant, NSW Police Service

Mr George El Kazzi, Director City Assets
Mr Roberto Di Federico, Manager Traffic and Transport
Mr Jeremy Tinslay, Traffic Engineer
Mrs Manasa Simhalapathi, Traffic & Design Engineer

Apologies

That there were no apologies.

Confirmation of Minutes

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 5 October 2023, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC27/23) WONGA STREET, STRATHFIELD - PROPOSED STOP CONTROLS

File No: 23/44299

Summary

Council has a request from Transport for NSW to introduce 'Stop' controls at the priority T-intersection of Wonga Street and The Boulevarde, Strathfield, to assist in reducing accidents.

Recommendation

That Council approve the introduction of 'Stop' control signage and associated linemarking at the T-intersection of Wonga Street and The Boulevarde, Strathfield

INFORMATION ITEMS**(ITEM TIN1/23) DATES FOR 2024 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS**

File No: 23/44298

Summary

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Proposal

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All meetings to conducted digitally unless informed otherwise.

No Decision – Information Item Only

This concluded the business of the meeting at am.