

# Privacy Management Plan

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# Contents

<b>1</b>	<b>Privacy Management Plan Overview</b>	<b>4</b>
1.1	What the plan covers	4
	Who the Plan applies to	4
1.2	Definitions	5
1.3	Data Breach Plan	6
<b>2.</b>	<b>Personal and health information</b>	<b>7</b>
2.1	Information that is not personal information	7
2.2	Information Riverina Water might collect	7
2.3	How Riverina Water collects personal and health information	8
	The Spam Act 2003	9
	Public access to tabled correspondence and reports	10
<b>3</b>	<b>Public Registers</b>	<b>11</b>
3.1	Application for disclosure	11
3.2	Suppression of information in relation to a public register	11
3.3	Purposes of the public registers	12
3.4	Other Registers	12
<b>4</b>	<b>Information Protection Principles</b>	<b>13</b>
4.1	The PPIP Act and personal information	13
	Information protection principles (IPPs)	13
4.2	The HRIP Act and health information	13
	Health privacy principles (HPPs)	13
4.3	Riverina Water compliance with the Principles	14
	IPP 1 & HPP1 Lawful collection	14
	IPP 2 & HPP 2 Direct collection	14
	IPP 3 & HPP 3 Requirements when collecting	14
	IPP4 & HPP 4 Relevance of information collected	15
	IPP 5 & HPP5 Secure storage	15
	IPP 6 & HPP 6 Transparent access	15
	Specific Health Information Privacy Principles	17
	HPP12 Unique identifiers	17
	HPP 13 - Anonymity	17
	HPP 14 Trans-border data flow	17

HPP 15 Cross-organisational linkages.....	17
4.4 Exemptions in PIPPA and HRIPA.....	17
4.5 Specific exemptions in PIPA and HRIPA relevant to Riverina Water.....	18
4.6 Riverina Water staff responsibilities.....	19
4.7 Promoting the Plan to the community.....	19
<b>5 Privacy concerns.....</b>	<b>20</b>
5.1 Internal review.....	20
How does the Internal Review work?.....	20
5.2 External review.....	20
5.3 Alternative to lodging an Internal review.....	21
5.4 NSW Civil and Administrative Tribunal (NCAT).....	21
<b>6 Other applicable laws.....</b>	<b>22</b>
Crimes Act 1900.....	22
Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009.....	22
Government Information (Information Commissioner) Act 2009 (GIIC Act).....	22
Independent Commission Against Corruption Act 1988.....	22
Public Interest Disclosures Act 1994 (PID Act).....	22
State Records Act 1998 and State Records Regulation 2015.....	23
<b>7 Contact details.....</b>	<b>24</b>
<b>8 Document Details.....</b>	<b>25</b>

# 1 Privacy Management Plan Overview

The purpose of this Privacy Management Plan (PMP) is to explain how Riverina Water manages personal and health information of our customers, Board members, staff, contractors and all who come in contact with Riverina Water in accordance with NSW privacy laws. This includes the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act).

The PMP also explains who you should contact with questions about the information collected and retained by Riverina Water, how to access and amend your stored information and what to do if you believe Riverina Water may have breached the PPIP or HRIP Acts.

Additionally the PMP is used to support Riverina Water's staff about how to deal with personal information. This helps to ensure that Riverina Water complies with the PPIP Act, the HRIP Act and the Government Information (Public Access) Act 2009 (GIPA).

## 1.1 What the plan covers

This PMP includes requirements outlined in s33(2) of the PPIP Act (PPIPA) including:

- › Information about the private information Riverina Water holds and for what purpose
- › how Riverina Water develops policies and practices in line with the State's information and privacy Acts
- › how Riverina Water disseminates these policies and practices within the organisation and trains our staff in their use
- › Riverina Water's internal review processes
- › anything else Riverina Water considers relevant to the PMP in terms of privacy and the personal and health information we hold.

This Plan should be read in conjunction with the Code of Practice for Local Government (the Code) and the Riverina Water Code of Conduct

### Who the Plan applies to

The PPIPA, HRIPA and this Plan apply, wherever practicable, to:

- Board members
- Riverina Water employees
- Consultants and contractors of Riverina Water
- Volunteers
- Audit, Risk & Improvement Committee members
- Anyone working for and on behalf of Riverina Water in whatever capacity

## 1.2 Definitions

**Collection** (of personal information) - the way in which Riverina Water acquires personal and/or health information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph

**Disclosure** (of personal information) - when Riverina Water makes known to an individual or an entity, personal or health information not previously known to them

**Exemptions from compliance with Information Protection Principles (IPPs)** - are provided under Division 2 and Division 3 of Part 2 of the PPIP Act

**Health Information** - information or an opinion about a person's physical or mental health or disability, or a person's express wishes about the future provision of their health services or a health service provided or to be provided to a person (see the definition at S6 HRIP Act)

**Investigative agencies** -any of the following: the NSW Ombudsman's office, the Independent Commission against Corruption (ICAC) or the ICAC inspector, the Law Enforcement Conduct Commission (LECC) or the LECC Inspector and any staff of the Inspector , the Health Care Complaints Commission, the Office of the Legal Services Commissioner, and Inspector of Custodial Services.

**Law enforcement agencies** - any of the following: the NSW Police Force or the police force of another State or Territory, the NSW Crime Commission, the Australian Federal Police, the Australian Crime Commission, the Director of Public Prosecutions of NSW or another State or Territory or of the Commonwealth, Department of Justice, Office of the Sherriff of NSW.

**Personal information** - 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. Exclusions to the definition of personal information are contained in s4(3) of the PPIP Act and includes health information; (see the definition at s4 PPIP Act and s4(3) PIPP Act and s5 of the HRIP Act).

**Privacy principles** - the Information Protection Principles set out in Division 1 of Part 2 of the PIPP Act and Health Principles set out in Schedule 1 of the HRIP Act. The privacy principles set out the minimum standards for all NSW public sector agencies when handling personal and health information. Within these principles lawful exemptions are provided.

**Public register**- a register of public information that is required by law to be, or is made, publicly available or open to public inspection, whether or not upon payment of a fee.

**Privacy obligations** - the information privacy principles and any exemptions to those principles that apply to Riverina Water

**Riverina Water official** - an individual having "public official" functions or acting in a public official capacity of Riverina Water. Includes but not limited to a volunteer, Board member, Committee member, contractor or member of staff

**Staff** - any person working in a casual, temporary or permanent capacity at Riverina Water, including consultants and contractors

## 1.3 Data Breach Plan

In addition to this PMP, Riverina Water has a Data Breach Response Plan that sets out Riverina Water's procedures for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.

## 2. Personal and health information

Riverina Water is committed to protecting the privacy of our customers, business contacts, Board members, employees, contractors and volunteers. This Plan aims to ensure we manage the personal and health information we collect, store, access, use and disclose in the course of business activities ethically and appropriately.

Riverina Water collects, stores and uses a range of information. A significant part of that information is personal information.

In practice any information held will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

### 2.1 Information that is not personal information

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 PPIPA.

Where Riverina Water is requested to provide access or make a disclosure and that information has already been published, then the provision of the relevant Act that authorises the holding of that information will be followed (for example, section 12(1) of the Local Government Act).

The following are considered to be publicly available documents:

- an advertisement containing personal information in a newspaper
- personal information published on any social media platform
- 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

Information published in this way ceases to be covered by the PPIPA.

### 2.2 Information Riverina Water might collect

The following are examples of the types of personal and health information and circumstances where we may collect personal information in exercising our functions:

#### **Board members**

Riverina Water holds personal information concerning Board members, including:

- personal contact information
- pecuniary interest returns
- any declarations of interest made at Board meetings

- any complaints or disciplinary matters
- entitlements to fees, expenses and facilities

### **Customers and Residents**

Riverina Water holds personal and possible health information in its records such as:

- Property records
- Billing records
- Pensioner and concession details
- Financial records
- Details of circumstances relating to hardship and debt management
- Customer requests
- Donation, grant and sponsorship applications
- Leases, licences and agreements
- Submissions and information collected as part of Riverina Water's community engagement and consultation activities

### **Employees, volunteers and contractors**

Riverina Water holds personal and health information concerning its employees, volunteers and contractors as appropriate, such as:

- Personal contact information and emergency contact details
- Recruitment material
- Pre-employment medical information
- Bank account details
- Wage and salary entitlements
- Leave and payroll data
- Medical certificates and medical information
- Disclosure of interest returns
- Workers' compensation records
- Performance management plans
- Disciplinary matters

## **2.3 How Riverina Water collects personal and health information**

Riverina Water collects and receives people's personal and health information in a variety of ways, in order to perform services and functions.

The collection of this information may be in writing, e-mail, inquiry from the website, over the phone, by fax or in person.

Riverina Water will decide what level of information is appropriate to be collected for each enquiry on a case-by-case basis. This is on the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given, but should not contain unnecessary personal and/or health information.



If someone writes to Riverina Water, a full copy of whatever is sent is generally kept within the electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Riverina Water may decide not to record all the personal information if it is irrelevant to the enquiry. For example, a Riverina Water staff member might make a general note, such as "concerned about impact of an illness" without recording details about the illness itself.

Riverina Water's telephones will display the number of the person who called, except for private/silent numbers. Telephone conversations are not electronically recorded. If someone has an enquiry that cannot be answered straight away, a Riverina Water staff member will offer to take the person's name and telephone number so someone can respond.

It is normal business practice for our customer service officers to check customer contact details when they call, including a contact email address. This is to allow us to make contact via email should that be necessary regarding billing matters, for example meter readings that are very high, or to respond to an earlier enquiry.

As a security measure, Riverina Water has video surveillance of the customer service counter at its Administration Building in Hammond Avenue. This records vision only. Recordings are held for two weeks. This timeframe is under review, and it is expected that this retention period will be extended.

### **The Spam Act 2003**

Riverina Water complies with the Commonwealth Spam Act 2003 in regards to sending of emails to customers. Prior to sending any message that could be construed to be marketing, we will first seek to confirm that permission has been granted to use a customer's email address for that purpose. Our email message will identify us as the sender and contain our contact details.

#### Permission

There are two types of permission: express or inferred

People can give express permission by one of the following:

- filling in a form
- ticking a box on a website
- over the phone
- face to face
- correspondence - via mail or email

It is inferred that a person gives permission to be contacted by email for marketing purposes if they are a current customer and the message we send is related to the service they already have.

### **Public access to tabled correspondence and reports**

The Local Government Act 1993 - sec 11. (1) provides that:

A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

(2) This section does not apply if the correspondence or reports—

- (a) relate to a matter that was received or discussed, or
  - (b) were laid on the table at, or submitted to, the meeting,
- when the meeting was closed to the public.

(3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential.

It should be noted that since December 2019, Riverina Water records all Council meetings, which are livestreamed onto our website. By remaining in the public gallery it is assumed that an attendee's permission has been given in the event that their image or voice is broadcast.

## 3 Public Registers

A public register is defined in section 3 of the PPIPA as 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).

Disclosure in relation to public registers must comply with Part 6 of the PPIPA. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, Part 6 of the PPIPA applies to determine whether access to that information will be given.

It is considered that a secondary purpose for which all public registers are held by a council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

Personal information contained in a public register, other than where required by legislation, will only be disclosed where Riverina Water is satisfied that it is to be used for a purpose relating to the purpose of the register.

### 3.1 Application for disclosure

A person seeking a disclosure of someone else's personal information from a public register must satisfy Riverina Water that the intended use of the information is for a purpose directly relating to the purpose of the register or the Act under which the register is kept.

Persons or organisations who apply to Riverina Water 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 Riverina Water but only in accordance with the Code.

### 3.2 Suppression of information in relation to a public register

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

If the General Manager is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, the information will be suppressed in accordance with the request. The General Manager may however, form the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

When in doubt, Riverina Water will err in favour of suppression.

An application for suppression should be made in writing to the General Manager and must outline the reasons for the request. Supporting documentation may be required as appropriate.

Any information that is removed from, or not placed on, a public register under this section may be kept on the register for other purposes.

Riverina Water holds the following public registers:

- Land Register
- Contracts Register for contracts awarded over \$250,000 (GST inclusive)
- Register of disclosures of Interest
- Fees and charges
- Related Party Disclosures

### 3.3 Purposes of the public registers

Register	Primary purpose of the Register
Land register	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
Contracts register	Contracts awarded and details of successful contractor for contracts with a value of over \$250,000 (GST inclusive). There is a public accountability purpose and third party access is a secondary purpose.
Register of Disclosures of Interest and Related Party Disclosures	The purpose is to determine whether or not a Riverina Water official has a pecuniary interest in a matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

### 3.4 Other Registers

Riverina Water may keep other registers that are not public registers. The Information Protection Principles, this Plan, the Code and PPIPA apply to the use and disclosure of information in those registers.

## 4 Information Protection Principles

This section contains a general summary of how Riverina Water must manage personal and health information under the PPIP Act, the HRIP Act and other relevant laws.

PIPPA provides for the protection of personal information by means of 12 Information Protection Principles and HRIPA provides for the protection of health information by means of 15 Health Information Protection Principles.

Riverina Water complies with the Information Protection Principles (IPPs) prescribed under PPIPA and Health Privacy Principles (HPPs) prescribed under HRIPA.

### 4.1 The PPIP Act and personal information

The PPIP Act sets out how Riverina Water must manage personal information.

Personal information is defined in s4 of the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained. Personal information can include a person's name and address, details about their family life, their sexual preferences, financial information, fingerprints and photos.

There are some kinds of information that are not personal information, such as information about someone who has been dead for more than 30 years, information about someone that is contained in a publicly available publication, or information or an opinion about a person's suitability for employment as a public sector official. Health information is generally excluded here as it is covered by the HRIP Act.

#### Information protection principles (IPPs)

Part 2, Division 1 of the PPIP Act contains 12 IPPs with which Riverina Water must comply.

### 4.2 The HRIP Act and health information

The HRIP Act sets out how Riverina Water must manage health information.

Health information is a more specific type of personal information and is defined in s6 of the HRIP Act. Health information can include information about a person's physical or mental health, such as a psychological report, blood test, an X-ray, or even information about a person's medical appointment. It can also include personal information that is collected to provide to a health service, such as a name and contact number on a medical record.

#### Health privacy principles (HPPs)

Schedule 1 of the HRIP Act contains 15 HPPs with which Riverina Water must comply.

## 4.3 Riverina Water compliance with the Principles

Below is an overview of the principles as they apply to Riverina Water.

### **IPP 1 & HPP1 Lawful collection**

Riverina Water collects personal information only for a lawful purpose that is directly related to its functions and activities.

Riverina Water will not collect any more information than is reasonably necessary to fulfil its proper functions.

Personal and health information may include names, residential address, phone numbers, email addresses, signatures, medical certificates, photographs and video footage (CCTV)

Anyone engaged by Riverina Water as a private contractor or consultant that involves the collection of personal and health information must agree not to collect personal information by any unlawful means.

### **IPP 2 & HPP 2 Direct collection**

Personal information will be collected directly from the individual, unless that person consents otherwise.

The Code makes provision for Riverina Water 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.

Health information will be collected directly from the person concerned, unless it is unreasonable or impractical to do so. Riverina Water may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so. (eg State Cover).

PIPPA permits non-compliance with this principle if Riverina Water is exercising complaint handling, investigative function or is authorised or required not to comply with the principle under any Act or law.

Riverina Water informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We 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.

### **IPP 3 & HPP 3 Requirements when collecting**

We inform people why their health information is being collected, what it will be used for and to whom it will be disclosed. Riverina Water will tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to us.

If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the persons has been notified.

### **IPP4 & HPP 4 Relevance of information collected**

Riverina Water will ensure that personal information collected is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.

We will, in normal circumstances, rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

#### **IPP 5 & HPP5    Secure storage**

Riverina Water stores personal and health information securely, keeps it no longer than necessary and destroys it appropriately. Personal information is protected from unauthorised access, use, or disclosure by application of appropriate access levels to our electronic document management system (EDRMS), our finance and billing systems, and staff training.

If it is necessary for the information to be given to a person in connection with the provision of a service to Riverina Water (eg health provider) everything reasonably within the power of Riverina Water is done to prevent unauthorised use or disclosure of the information.

#### **IPP 6 & HPP 6    Transparent access**

Riverina Water stores information for the purpose of carrying out its services and functions and in order to comply with relevant records keeping legislation.

Individuals have a right to request access to their own information to determine what, if any, information is stored, how long it will be stored and where it is stored.

Where Riverina Water receives a request or formal application by a person on what information we hold about them, a search will be undertaken of our records to answer the enquiry. We will normally provide a response to applications of this kind within 28 days of the application being made.

Riverina Water will have a privacy statement on its web page and in its annual report concerning the nature of the personal information we regularly collect, the purpose for which the personal information is used and an individual's right to access their own information.

#### **IPP 7 & HPP 7    Access to own information**

Riverina Water will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense.

It should be understood, however, that compliance with this principle does not allow disclosure of information about other people. If access to information that relates to someone else is sought, an application must be made under the GIPA Act.

#### **IPP 8 & HPP 8    Right to request to alter own information**

Riverina Water will, at the request of the person involved, allow them to make appropriate amendments (that is, correction, deletion or amendments) to their own personal and health information so as to ensure the information is accurate, relevant to the purpose for which it was collected, up to date and not misleading.

Changes of name, address and other amendments to personal information require appropriate supporting documentation.

#### **IPP 9 & HPP 9    Accurate use of information collected**

Riverina Water will take all reasonable steps to ensure personal and health information is accurate, relevant and up to date before using it. This will include taking into account the age of the information, its significance, the likelihood of change and the particular function for which the information is collected.

## **IPP 10 & HPP 10            Limits to use of information collected**

Riverina Water only uses personal information for the purpose it was collected for, or a directly related purpose or for a purpose for which a person gives consent.

The Code makes provision that Riverina Water may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- Where the use in pursuance of Riverina Water's lawful and proper function/s and we are 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

## **IPP 11 & HPP 11            Restricted and limited disclosure of personal and health information**

Riverina Water will only disclose personal and health information with the individual's consent or if the individual was told at the time of collection that it would do so.

PIIPA permits non-compliance with this principle if the disclosure is in relation to a complaint that is made to or referred from an investigative agency.

PIIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Office of Local Government.

## **IPP 12    Special limits on disclosure**

Riverina Water will not disclose sensitive personal information without consent unless it is necessary to prevent a serious and imminent threat to the life or health of an individual in relation to the following:

- Ethnic or racial origin
- Political opinions, religious or philosophical beliefs
- Trade union membership
- Health or sexual activities

Riverina Water will not disclose sensitive or health information to any person or body who is in a jurisdiction outside of NSW unless:

- The disclosure is permitted under a Privacy Code of Practice
- Riverina Water is asked for information by a potential employer outside NSW. We may verify that a current or former employee works or has worked with us, the duration of that work, and the position occupied at that time. This exemption will not permit Riverina Water to give an opinion as to that person's suitability for a particular position with a particular employer, unless Riverina Water is satisfied that the person has provided their consent for Riverina Water to provide a reference or to be a referee, which may include an opinion as to that person's suitability for the position for which they have applied.

## **Specific Health Information Privacy Principles**

Health information includes information or an opinion about the physical or mental health or a disability of an individual and includes personal information about a health service provided, or to be provided, to an individual.



Health information is given a higher level of protection regarding use and disclosure than is other personal information.

In addition to the principles above, the following four additional principles apply specifically to health information.

#### **HPP12 Unique identifiers**

Riverina Water does not use unique identifiers for health information, as they are not needed to carry out our functions.

#### **HPP 13 - Anonymity**

Riverina Water allows people to stay anonymous where it is lawful and practical.

#### **HPP 14 Trans-border data flow**

Riverina Water does not usually transfer health information outside of NSW unless we have a request from a GP or specialist or legal writ.

#### **HPP 15 Cross-organisational linkages**

Riverina Water does not currently use a health records linkage system and does not anticipate using one in the future. However, if one were to be used, Riverina Water would not use one without people's consent.

## **4.4 Exemptions in PIPPA and HRIPA**

Exemptions are located mainly in Schedule 1 of the HRIP Act and may allow Riverina Water to not comply with HPPs in certain situations.

Riverina Water does not use the exemptions on a regular basis as they are not usually relevant to the work of Riverina Water. However, if an exemption were used, we would aim to be clear about the reasons for using it.

Health privacy codes of practice and public interest directions can modify the HPPs for any NSW public sector agency. These are available on the IPC website. Currently, there are none that are likely to affect how Riverina Water manages health information.

### **Offences**

It is an offence for Riverina Water officials to intentionally disclose or use personal information about another person accessed in the exercising of official functions for an unauthorised purpose.

It is an offence for Riverina Water officials to supply personal information that has been disclosed unlawfully.

Offences can be found in Part 8 of the HRIP Act. It is an offence for Riverina Water to:

- intentionally disclose or use any health information about an individual to which the official has or had access to in the exercise of his or her official functions
- offer to supply health information that has been disclosed unlawfully
- attempt to persuade an individual to refrain from making or to withdraw an application pursuing a request for access to health information or a complaint to the Privacy Commissioner or Tribunal
- by threat, intimidation, or false representation require another person to give consent or to do, without consent, an act for which consent is required.

## 4.5 Specific exemptions in PIPA and HRIPA relevant to Riverina Water

There are a number of exemptions from compliance with the PPIPA and HRIPA that apply directly to Council. These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal
- information is collected for law enforcement purposes
- information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue
- Riverina Water is authorised or required by a subpoena or search warrant or other statutory instrument
- Riverina Water is investigating a complaint that may be referred or made to an investigative agency
- Riverina Water is permitted by a law or Act not to comply
- Compliance would prejudice the interests of the individual to whom the information relates
- The individual to whom the information relates has given express consent to Riverina Water not to comply
- Disclosure is permitted under the Privacy Code of Practice for Local Government

## 4.6 Riverina Water staff responsibilities

Employees will be made aware of this Plan as part of induction, and it will be made available on Riverina Water's intranet and website. Additionally there will be reminders provided to staff on the general provisions of the PPIPA and HRIPA, and in particular this Privacy Management Plan.

Fast screen savers have been installed on Riverina Water computers to ensure security of information and screens in public areas are facing away from the public. Passwords are required to be changed regularly and permissions are set on access to records within our finance systems and electronic records management system, to ensure that only authorised members of staff can access certain types of records.

## 4.7 Promoting the Plan to the community

Riverina Water promotes public awareness of how we manage personal and health information by:

- making the Privacy Management Plan publicly available from our website or office
- writing the Plan in plain english
- letting people know about the Plan and our procedures if they enquire about personal and health information
- including privacy statements on application forms and invitations for submissions and community engagement

## 5 Privacy concerns

Riverina Water encourages individuals to try to resolve any privacy concerns they may have with us informally before going through a formal review process. Please contact us by phone or email in the first instance for advice. If the issue isn't resolved to your satisfaction you will be referred to our Privacy Contact Officer. Please phone 69220608 during office hours.

### 5.1 Internal review

If an issue hasn't been resolved after discussions with Riverina Water's Privacy Contact Officer, or if you think that Riverina Water has breached the PPIPA or HRIPA relating to your own personal or health information you may seek an internal review. You cannot seek an internal review for a breach of someone else's privacy, unless you are an authorised representative of that person.

An application for internal review is to be made in writing to the Privacy Contact Officer within 6 months of when you first became aware of the conduct or decision that is the subject of the review.

#### **How does the Internal Review work?**

The Privacy Contact Officer will appoint a suitably qualified Reviewing Officer to conduct the internal review. The Reviewing Officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 days of receipt of the application. The applicant will be notified of the outcome of the review within 14 days of the determination.

The Privacy Contact Officer will notify the Privacy Commissioner of a review application as soon as is practicable after it is received. Riverina Water will brief the Privacy Commissioner on the progress of an internal review and notify them of the outcome. Riverina Water can, if it deems it appropriate, ask the Privacy Commissioner to conduct the internal review.

### 5.2 External review

If an applicant disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review.

An application for external review can only be made after an internal review has been completed and must be made within 28 days from the date of the internal review decision.

If the applicant remains unsatisfied with the outcome of the external review they may appeal to the NSW Civil and Administrative Tribunal (NCAT) for a review of Riverina Water's conduct of the initial review.

### 5.3 Alternative to lodging an Internal review

If a person does not want to lodge an application for an internal review with Riverina Water, they may contact the Privacy Commissioner directly. The complaint does not need to be reviewed internally before being reviewed by the Privacy Commissioner.

The role of the Privacy Commissioner includes promoting the adoption of and compliance with the information protection principles, investigating complaints, initiating privacy codes of practice and assisting agencies manage personal information.

### 5.4 NSW Civil and Administrative Tribunal (NCAT)

NCAT was established on 1 January 2014. NCAT consolidates the work previously dealt with by 22 separate tribunals. Riverina Water's previous Privacy Management Plan was covered under the Administrative Decisions Tribunal (ADT).

NCAT's broad and diverse jurisdiction and matter types are dealt with in four specialist Divisions. The division that is relevant to this Plan is the Administrative and Equal Opportunity Division. This Division reviews administrative decisions made by NSW government agencies and resolves discrimination matters.

## 6 Other applicable laws

This section contains information about the other laws that affect how Riverina Water complies with the IPPs and HPPs.

### **Crimes Act 1900**

Under this law, Riverina Water must not access or interfere with data in computers or other electronic devices unless it is authorised to do so.

### **Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009**

The GIPA Act provides a mechanism to access your personal information or other information. An application can be made to Riverina Water to access information that Riverina Water holds. Sometimes, this information may include personal and/or health information.

If a person has applied for access to someone else's information, Riverina Water will take steps to consult with people who might have concerns regarding disclosure of their personal information. Riverina Water will provide notice of the decision to ensure that people who might want to object to the release of information have time to apply for a review of the decision to release information.

### **Government Information (Information Commissioner) Act 2009 (GIIC Act)**

Under this law, the Information Commissioner has the power to access government information held by other NSW public sector agencies for the purpose of conducting a review or investigation, or dealing with a complaint under the GIPA Act and GIIC Act.

The Information Commissioner also has the right to enter and inspect any premises of a NSW public sector agency and inspect any record.

This Act also allows the Information Commissioner to provide information to the NSW Ombudsman, the Director of Public Prosecutions, the Independent Commission Against Corruption, or the Police Integrity Commission.

### **Independent Commission Against Corruption Act 1988**

Under this law, Riverina Water staff cannot misuse information obtained in the course of doing their jobs.

### **Public Interest Disclosures Act 1994 (PID Act)**

The PID Act sets in place a system to encourage public officials to report wrongdoings. The NSW Information Commissioner is responsible for receiving complaints made as public interest disclosures about government information contraventions, as provided for under the PID Act.

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that 'personal information' received or collected under the PID Act is not subject to the IPPs or HPPs.

The PID Act requires Riverina Water to not disclose information that might identify or tend to identify a person who has made a public interest disclosure.

### **State Records Act 1998 and State Records Regulation 2015**

This law sets out when Riverina Water can destroy its records. It also authorises the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.

## 7 Contact details

For assistance in understanding the processes under the PPIPA and HRIPA, please contact Riverina Water's Privacy Contact Officer or the Information and Privacy Commission.

### **Riverina Water**

The Privacy Contact Officer  
Riverina Water  
PO Box 456  
WAGGA WAGGA NSW 2650  
Phone: (02) 69220608  
Email: [admin@rwcc.nsw.gov.au](mailto:admin@rwcc.nsw.gov.au)

Riverina Water Administration Office  
91 Hammond Avenue  
WAGGA WAGGA NSW 2650  
Monday to Friday - 8:30 am to 4:30 pm

### **Information & Privacy Commission**

GPO Box 7011  
SYDNEY NSW 2001  
Phone 1800 472679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

### **NSW Civil and Administrative Tribunal (NCAT)**

Level 10, John Maddison Tower  
86-90 Goulburn Street  
SYDNEY NSW 2000  
Phone 02 93775859  
Or  
1300 006228



## 8 Document Details

Responsible area	Governance & HR
Approved by	Riverina Water Board - resolution 20/034
Approval date	22 April 2020
Legislation or related strategy	Privacy and Personal Information Protection Act 1998 (NSW) (PPIPA) Health Records and Information Privacy Act 2002 (HRIPA) Privacy Code of Practice for Local Government (Code) Public Interest Disclosures Act 1994 (PID Act) Local Government Act 1993
Documents associated with this Plan	Privacy Policy 1.20 Protected Disclosures Policy 1.11 Records Management Policy 1.18 Code of Conduct Policy 1.1 Internal Reporting Procedure Data Breach Response Plan Employee Induction Information pack
Document history	Adopted 23 June 2000 - Res 00/69 Name changed 22/11/13 from Policy 5.12 Reviewed February 2020
Next Review	The Information and Privacy Commission guidelines for Privacy Management Plans recommend review at least every two years. This Plan, therefore, should be reviewed in February 2022

It should be noted that details contained within the Privacy Management Plan may change prior to review due to legislative or other changes, therefore this document is uncontrolled when printed.