

Parliamentary Counsel's Office

# Privacy Management Policy

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Approved by Parliamentary Counsel, Annette O'Callaghan



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## Policy Owner / Contact

Corporate Services

## Review Record

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# 1. Overview

As a NSW public sector agency, PCO is regulated by the *Privacy and Personal Information Protection Act 1998* (the ***PPIP Act***) and the *Health Records and Information Privacy Act 2001* (the ***HRIP Act***). This Policy outlines how PCO will meet the privacy obligations outlined in these Acts.

The *PPIP Act* covers personal information other than health information and requires agencies to comply with information protection principles (***IPPs***). The IPPs cover the full life cycle of information, from the point of collection through to the point of disposal. They include obligations in relation to data security, data quality and rights of access and amendment to one's own personal information, as well as how personal information may be collected, used and disclosed.

Health information includes information about a person's disability and any health/disability services provided to the person. There are 15 health privacy principles (***HPPs***) in the *HRIP Act*, with which PCO must comply. The HPPs also include some additional principles in relation to anonymity, the use of unique identifiers, and the sharing of electronic health records.

**It is a criminal offence, punishable by up to two years' imprisonment, for any employee (or former employee) of PCO to intentionally use or disclose any personal information about another person, to which the employee has or had access in the exercise of the employee's official functions, except as necessary for the lawful exercise of the employee's (or former employee's) official functions.**

# 2. Roles and responsibilities

Role	Key responsibility
Parliamentary Counsel	Ensure PCO meets its privacy obligations set out in the Privacy Management Policy.
Privacy Officer (Director, Corporate Services)	Support the Parliamentary Counsel in ensuring PCO meets its privacy obligations set out in the Privacy Management Policy. Provide advice to PCO employees about whether certain conduct may breach their privacy obligations.
PCO employees	Comply with privacy obligations under the <i>PPIP Act</i> and <i>HRIP Act</i> .

# 3. Policy

The following provisions outline PCO's obligations under the *PPIP Act* and the *HRIP Act*.

## 3.1 Lawful collection of personal and health information

IPP 1 and HPP 1: PCO only collects lawful and personal health information by lawful means.

## 3.2 The sources of the personal and health information PCO collects

IPP 2 and HPP 3: Information is typically collected directly from the person involved. However, there are circumstances in which information may be collected from another person.

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### 3.3 Notification when collecting personal and health information

IPP 3 and HPP 4: PCO will take reasonable steps to inform a person when collecting personal information about the person.

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### 3.4 Relevance of the personal and health information we collect

IPP 4 and HPP2: PCO only collects personal and health information that is relevant and accurate, is not excessive and does not unreasonably intrude into a person's personal affairs.

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### 3.5 Secure storage of personal and health information

IPP 5 and HPP 5: PCO stores relevant information securely, protects it from unauthorised access, use, or disclosure, and ensures it is destroyed appropriately.

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### 3.6 Transparency of personal and health information

IPP 6 and HPP 6: PCO is transparent about the personal and health information we store, why it is used and people's right to access and amend it unless we are lawfully authorised or required to do otherwise.

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### 3.7 Access to personal and health information

IPP 7 and HPP 7: PCO allows people to access their own personal and health information unless we are lawfully allowed or required to do otherwise.

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### 3.8 Alteration of personal and health information

IPP 8 and HPP 8: PCO allows people to update, correct or amend their personal information where necessary unless other legislation permits or requires us to do otherwise to ensure the information is accurate, relevant, up to date, complete and not misleading.

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### 3.9 Accuracy of personal and health information

IPP 9 and HPP 9: Before using personal or health information, PCO will take reasonable steps to ensure the information is relevant, accurate and up to date.

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### 3.10 Use of personal and health information

IPP 10 and HPP 10: PCO will only use personal information for the purpose it was collected except in certain circumstances set out in the Corporate Procedure Manual.

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### 3.11 Disclosure of personal or health information

IPPs 11 and 12 and HPPs 11 and 14: PCO will not disclose personal information about a person without the person's consent except in certain circumstances set out in the Corporate Procedure Manual.

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### 3.12 Transfers of health information

HPP 14: PCO will not transfer health information outside of New South Wales except in certain circumstances set out in the Corporate Procedure Manual.

If PCO does transfer health information PCO will take reasonable steps to ensure the information will not be held, used or disclosed by the recipient inconsistently with the HPPs.

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### 3.13 Unique identifiers for health information

HPP12: PCO does not identify individuals by using unique identifiers in relation to health information.

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### 3.14 Anonymity

HPP13: Members of the public who contact PCO can remain anonymous where it is lawful and practical.

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### 3.15 Use of health records linkage systems

HPP 15: PCO does not use health records linkage systems.

## 4. Other general exemptions

The *PIIP Act* and *HRIP Act* do not:

- apply to certain other information set out in the Corporate Procedure Manual, or
- affect the operation of the *Government Information (Public Access) Act 2009* (GIPA).

## 5. Further information

[Privacy and Personal Information Protection Act 1998](#)

[Health Records and Information Privacy Act 2001](#)