

2016

MULTICULTURAL NSW

# PRIVACY MANAGEMENT PLAN

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NSW 2000  
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MULTICULTURAL  
NSW

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**ACCEPTANCE AND RELEASE NOTES**

This Privacy Management Plan is a managed document. The distribution list identifies the current version of the Privacy Management Plan. Changes will be issued as a complete replacement document covered by a release notice.

**VERSION CONTROL AND DISTRIBUTION**

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## INTRODUCTION

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Multicultural NSW is committed to respecting the privacy rights of clients, employees and members of the public.

The *Privacy and Personal Information Protection Act 1998* (the "PIIP Act") provides for the protection of personal information and for the protection of the privacy of individuals. The *Health Records and Information Privacy Act 2002* (the "HRIP Act") protects the privacy of health information.

The PIIP Act sets out 12 Information Protection Principles (IPPs) relating to personal information, and the HRIP Act sets out 15 Health Privacy Principles (HPPs) relating to health information. These principles set the privacy standards which NSW public sector agencies are expected to follow when dealing with personal information. The principles cover information collection, storage, use and disclosure of personal and health information.

### Why we have a privacy management plan

The PIIP Act (Section 33) requires all public sector agencies to prepare a Privacy Management Plan that covers:

- policies and practices that ensures compliance with the requirements of the PIIP Act and the HRIP Act
- how these policies and practices will be communicated to our staff and stakeholders
- the proposed internal review procedures
- other matters relevant to privacy and the protection of personal information.

This Privacy Management Plan shows how we intend to comply with the requirements of privacy legislation in NSW. We also want people to know how we manage personal information.

This plan outlines how we will incorporate Information Protection Principles and Health Privacy Principles into our everyday functions.

To ensure that the plan remains current and up to date, it will be reviewed every 12 months.

## ABOUT US

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### Who we are

Multicultural NSW promotes community harmony and social cohesion. It is the lead agency for implementing the policy and legislative framework to support multicultural principles in NSW.

We emphasise an approach that involves recognising and valuing the different linguistic, religious, and ancestral backgrounds of people, and promotes equal rights and responsibilities.

Our mandate is derived from the *Multicultural NSW Act 2000*. This Act sets out six principles that guide our work and the multicultural policy of NSW, committing us to:

- share democratic values, governed by the rule of law and promote a unified commitment to Australia
- accept that we have diverse linguistic, religious and ancestral backgrounds
- create opportunities for all people to participate in all aspects of public life
- respect and provide for different cultures, languages and religions, with English recognised as our common language
- provide the greatest possible access to Government programs and services
- promote and maximise the value of our diverse cultural and linguistic heritage to develop NSW.

### Our functions

Our functions are set out in s13(1) of the *Multicultural NSW Act 2000* and include:

- to undertake systematic and wide-ranging consultation with people and groups with respect to its objectives and to arrange and participate in forums to promote its objectives
- to facilitate co-operative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives
- to provide a single coordination point for integrated responses to issues associated with cultural diversity and to assist in resolving issues associated with cultural diversity

- to assist and develop programs for, and assess the effectiveness of, public authorities in observing the multicultural principles in the conduct of their affairs, particularly in connection with the delivery of government services, so as to facilitate consistency across authorities on issues associated with cultural diversity. **Note.** For example, under the Multicultural Policies and Services Program of Multicultural NSW, government agencies are required to implement a multicultural plan
- to provide (whether within or outside New South Wales) interpreter, translation or other services approved by the Minister.

## HOW WE MANAGE PERSONAL AND HEALTH INFORMATION

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We collect, store and use personal and health information about our stakeholders who include advisory board members, staff, members of regional advisory councils, government, private and community organisations and individuals. The information is directly related to our functions and activities and necessary for that purpose.

Note: A reference to personal information is also a reference to health information.

### How we collect information

We collect information in the following ways:

- in writing (post, email, fax, forms, website)
- in person (at the counter, during events)
- over the phone (we do not record telephone conversations)

Most personal information is collected using a range of forms that have been designed to capture only necessary information that is relevant, not excessive and is not intrusive. These forms incorporate an appropriate privacy statement that informs individuals that personal information is being collected and how it will be used.

Other personal information is provided on a voluntary basis. We do not seek to collect excessive or unnecessary personal information.

## What information we collect and why

We endeavour to collect personal information directly from the individual concerned in order to conduct our business (unless the information is collected or held for the purposes of translating information for a third party - see exemption notes at page 16).

We collect contact information when engaging with and fostering relationships with the community, government and private organisations through our programs and services.

Our contact database is a comprehensive resource of individuals, community groups and organisations that enables us to become a repository of knowledge on communities, cultural diversity and multiculturalism in NSW. Contact information generally includes names, addresses, phone and fax numbers and email addresses. We also collect information about ethnicity, language and religion.

Other ways we collect contact information is by way of correspondence and communications such as incoming mail, telephone messages and emails.

### Other forms of personal information that we collect, hold and use are for the following purposes:

- when processing translation and interpreting requests (translation lodgement forms indicate collection, purpose, disclosure, right to access and amend personal information):
  - details recorded on birth, death and marriage certificates, drivers licences,
  - qualifications and any other personal document
  - details of interpreting service (court cases, interviews, examinations)
- as part of our events and awards program:
  - details for award nominees and invitees
  - sponsorship details (if any)
- for the provision of grants to communities and individuals:
  - incorporation and financial details
  - project details eg. purpose of grant
  - evaluations, recommendations and approvals
  - payment and acquittal details

- through enquiries or complaints received from our stakeholders and members of the public:
  - reasons for enquiry or complaint
- for personnel and administrative management:
  - contact details for staff, interpreters, translators, contractors and other third parties
  - pre-employment references
  - education details
  - recruitment details (history, qualifications, salary)
  - performance assessments
  - work attendance records
  - secondary employment
  - leave records
  - promotion, transfers, disciplinary action
- for financial or commercial purposes:
  - payment details for customers and suppliers
  - debtor and creditor details
  - bank account and credit card information
  - contact and payments details for customers and stakeholders in respect of business programs and services.

**We collect, hold and use health information for the following purposes:**

- when medical or health records are being translated (translation lodgement forms indicate collection, purpose, disclosure, right to access and amend personal information)
- for personnel and administrative management:
  - medical conditions which may be supported by medical certificates (illnesses, injuries and disabilities)
  - workers compensation matters
  - pre-employment health assessments
  - applications for leave of absence for health reasons.

**Accuracy of personal information**

We rely on people giving us accurate information. To ensure that personal information is correct, we check the accuracy of personal information that is collected by verifying this information directly with the person providing the information. Completed forms are checked to ensure legibility, completeness and accuracy.

As part of our data cleansing exercise in relation to information held in our contact database, we inform people about what details we are holding about them and the main purpose for which it is collected. We also request that people advise us of any incorrect or incomplete information to enable us to amend and update their information in the database.

**Disclosing personal information**

We do not generally disclose personal or health information for any secondary purpose.

Exemptions to certain privacy principles in respect of translations allow us to provide information to an authorised person (a third party). In such instances we will endeavour to prevent unauthorised disclosure by the other person (s.28 (2) (c) of the PPIP Act and s.17A (c) of the HRIP Act).

**How we store personal information**

Personal information is captured and stored in our electronic systems:

- Financial system
- Grants database
- Contact database
- Interpreting and translations processing system
- Network directories
- Records management system

These systems are password protected and only those who have valid reasons for accessing these systems are granted the level of access that is appropriate to business requirements.

We also collect and store personal information in paper format within file containers and folders. These containers are recorded in the records management system where security controls are applied to sensitive and confidential information. All physical files are held in appropriate storage units and locked when not in use.

### Disposing of personal information

We will ensure that personal and health information is not kept any longer than necessary, and disposed of securely in accordance with NSW State Records Authority General Disposal Authority and our authorised functional Disposal Authority.

### Communication

Leveraging on our database of contacts, we provide an email service for customers wishing to connect with multicultural communities and individuals or other target groups. Our objective is to ensure that communities of NSW have equal rights of access to information. We do not disclose email addresses when sending out bulk emails.

Recipients of the email service can unsubscribe through an opt-out feature on the standard email template form. On request, we will delete individual contact information held in our contact database.

All privacy enquiries and communications can be lodged through our website address [www.multicultural.nsw.gov.au](http://www.multicultural.nsw.gov.au). Our online enquiry form at Contact Us - Multicultural NSW includes a selection option for privacy matters.

### Training

As part of our corporate training program, we periodically conduct staff privacy awareness training sessions. This is compulsory training for all staff to provide them with an understanding of NSW privacy legislation or as refresher training to those who have previously undergone privacy training.

New employees (including consultants and contractors) during the induction process are provided with information on privacy matters and obligations. This is also reinforced during training on our computer systems and databases.

### Policy development and key-related policies

Our templates for the development of new policies include a section that must address measures to secure and control the information that we manage. We do this to make sure we comply with the PPIP Act and the HRIP Act as well as other relevant legislation.

There are clear rules in our Privacy Policy on how we must manage personal and health information. These rules serve as a guide and must be observed in conjunction with other key-related policy documents.

All of our policies are available to staff in the shared drive of our computer network. The following policies are also available to other stakeholders on request (at the counter, over the phone, in writing or via a website enquiry). See contact details at page 17.

Key-related policies include:

- Audit and Risk Committee Charter
- Code of Conduct
- Confidential Records Procedures
- Email and Communication Device Management Policy
- Grievance Dispute Settling Procedures
- ICT Policy Guidelines
- Information Security Policy Guidelines
- Public Interest Disclosures Policy
- Records Management Policy
- Sick Leave Policy
- Strategic Plan
- Work, Health and Safety Policy.

### How we promote the plan

We are committed to respecting the privacy rights of our clients, employees and members of the public and in complying with NSW privacy legislation. We demonstrate this by:

- making the plan publicly available on our website and by request (at the counter, over the phone, in writing or via the website enquiry form)
- reporting on privacy matters in the annual report

- having it as a standard item in the induction process provided to new staff, contractors and consultants
- including it as part of our forms development process
- having it reinforced in our code of conduct
- addressing this issue in our risk and audit processes.

### **Limitation on access, amendment and disclosure of personal or health information**

NSW privacy acts (PPIP and HRIP) give people the right to access and amend their own information. They generally do not allow access to or disclosure of another person's information. However, a person can give us consent to disclose their own personal information to someone else.

We will not use personal or health information other than for what it was collected unless consent has been authorised by the person to which it relates.

We will only disclose information without consent for a "secondary" purpose in order to deal with a serious and imminent threat to the individual's health or safety. We will also disclose health information to a third party who has lawful authority to collect the information, to investigative agencies and to law enforcement agencies.

### **Identifiers, anonymity and records linkage system**

In respect of health information:

- We do not use unique identifiers (other than names) to identify people
- We will give people the option of receiving health services anonymously, wherever it is lawful and practicable
- We do not normally transfer health information to individuals or bodies outside of NSW unless it is for the benefit of the person concerned
- We will not include health information about a person in a health records linkage system.

## **HOW TO ACCESS AND AMEND PERSONAL OR HEALTH INFORMATION**

We allow people access to and amendment of personal or health information held about them.

Access and amendment of personal or health information will be provided without excessive delay or charge. If necessary, we may ask the person to provide identification.

We encourage people to contact us if they wish to know what personal or health information is held about them, the nature and purpose for which it is held and their right for access and amendment of this information.

### **Informal request**

An informal request can be made to any staff member who will refer the matter on to the Privacy Officer.

For minor complaints such as those relating to the correction of obvious incorrect data or information held by us, applicants are encouraged to contact us to have the information corrected or the issue resolved both quickly and efficiently. Requests of this nature do not need to be in writing.

We also offer a complaint handling process as an alternative should any person wish to have privacy issues resolved informally.

We aim to respond to informal requests within 5 working days.

A privacy complaint can also be made to the Privacy Commissioner about an alleged breach of the PPIP Act and HRIP Act.

### **Formal application**

If dissatisfied with the outcome of a request for access or amendment, a formal application can be made to the Privacy Officer by email, fax or post (see contact details on page 16). Formal applications should include:

- the applicant's name and contact details
- whether the application is made under the PPIP Act or HRIP Act
- what personal or health information is to be accessed or amended
- how they want it accessed or amended.

We aim to respond to formal applications within 20 working days. If this should take longer, we will advise the applicant.

If a person is dissatisfied with the outcome of a formal application, they have the right to seek an internal review or make a complaint to the Privacy Commissioner.

## PRIVACY RIGHTS AND REVIEWS

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### Internal review

Privacy legislation offers privacy rights to individuals. It gives people the opportunity to seek an internal review concerning an alleged breach of the privacy acts. An internal review deals with a complaint about an agency's handling of personal or health information.

A person who thinks we have breached the PPIP Act or HRIP Act in relation to their own personal or health information is entitled to seek an internal review.

### Application for internal review

An application for an internal review should:

- be in writing (the internal review form is available on our website or at our office)
- addressed to:
  - The Privacy Officer
  - Multicultural NSW
  - PO Box A2618
  - Sydney South NSW 1235
  - Email: [info@multicultural.nsw.gov.au](mailto:info@multicultural.nsw.gov.au)
  - Fax: 02 8255 6868
- lodged within 6 months of when the applicant first became aware of the breach (the subject of the application)
- specify an address in Australia where they can be contacted
- comply with any other requirements prescribed by the regulations.

### Internal review process

If an application for an internal review is lodged, the matter will be referred to the Chief Executive Officer who will appoint a qualified person to conduct the internal review.

The review will be completed as soon as is reasonably practicable. If the review is not completed within 60 days of lodgement, the applicant is entitled to make an application to the NSW Civil and Administrative Tribunal (NCAT) for an external review.

### Results of the internal review

We will notify the applicant of the outcome of the review within 14 days of its determination, of any proposed action to be taken and the right to have the findings and proposed action reviewed by the NSW Civil and Administrative Tribunal (NCAT).

### The Privacy Commissioner

We will notify the Privacy Commissioner about internal reviews, the progress, outcome and proposed actions.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews. Any relevant material submitted to us by the Privacy Commissioner will be considered.

We may request the Privacy Commissioner to undertake the internal review on our behalf and make a report to us in relation to the application.

Contact details for the Privacy Commissioner are at page 17.

### NSW Civil and Administrative Tribunal (NCAT)

If a person is not satisfied with the findings of the internal review or the action taken by us, they may apply to the NSW Civil and Administrative Tribunal (NCAT) for an external review to be conducted.

Contact NCAT for more information in relation to seeking an external review. Contact details are at page 17.

## OTHER MATTERS RELEVANT TO PRIVACY AND THE PROTECTION OF PERSONAL AND HEALTH INFORMATION

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### Exemptions

Section 28(2) of the PPIP Act and also Section 17A of the HRIP Act contain exemptions that may allow us not to comply with Information Protection Principles and Health Privacy Principles in respect of personal or health information collected or held by us for translation purposes, if:

- the information collected or held is for translation purposes only
- all documents held by us are destroyed or returned to the person who submitted the information when they are no longer required for that purpose
- everything within our power is done to prevent unauthorised disclosure of information when that information is given to another person in connection the translation service.

There are currently no privacy codes of practice or public interest directions that affect how we manage personal or health information.

### Offences

It is an offence under section 62 and 63(1) of the PPIP Act and section 68 and 69 1) of the HRIP Act if we:

- intentionally disclose or use any personal information about another person which was accessed while performing our official duties
- are induced by bribe or other corrupt conduct to disclose any personal information about another person
- offer to supply personal information that has been disclosed unlawfully.

### Public registers

We currently do not have public registers that fall within the meaning outlined in the PPIP Act.

If and when we are responsible for keeping a public register, the rules in respect of access, disclosure and suppression of personal information will be applied.

### Relevant legislation

- 16** • *Multicultural NSW Act 2000*

- *Crimes Act 1900*
- *Government Information (Public Access) Act 2009 and Government Information (Public Access) Regulation 2009*
- *Independent Commission Against Corruption Act 1988*
- *Public Interest Disclosures Act 1994*
- *State Records Act 1998 and State Records Regulation 2010*

### CONTACT DETAILS

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The Privacy Officer  
 Multicultural NSW  
 Level 8, 56 Station Street East  
 PARRAMATTA NSW 2150  
 PO Box 618  
 PARRAMATTA NSW 2124  
 Phone: 02 8255 6767  
 Fax: 02 8255 6868  
 TTY: 02 8255 6758  
 Email: [info@multicultural.nsw.gov.au](mailto:info@multicultural.nsw.gov.au)  
 Website: [www.multicultural.nsw.gov.au](http://www.multicultural.nsw.gov.au)  
 Website enquiry form: Contact Us - Multicultural NSW  
 Office Hours: Monday to Friday, 9.00am to 5.00pm

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The Privacy Commissioner  
 Information and Privacy Commission  
 Level 11, 1 Castlereagh Street  
 SYDNEY NSW  
 GPO Box 7011  
 SYDNEY NSW 2001  
 Freecall: 1800 472 679  
 Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

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NSW Civil and Administrative Tribunal  
 Level 9, 86-90 Goulburn Street  
 SYDNEY NSW 2000  
 Phone: 1300 006 228  
 Fax: 02 9377 5723  
 Website: [www.ncat.nsw.gov.au/ncat](http://www.ncat.nsw.gov.au/ncat)

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## APPENDIX A: INFORMATION PROTECTION PRINCIPLES (IPPS)

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The PPIP Act sets out the following 12 Information Protection Principles (IPPs) relating to personal information:

### IPP 1: Collection of personal information for lawful purposes

We will collect personal information for lawful purposes that directly relate to our functions and activities and necessary for that purpose.

### IPP 2: Collection of personal information directly from individual

In most cases we will collect personal information directly from the person concerned. Exemptions for translations may apply. See exemptions at page 16.

### IPP 3: Requirements when collecting personal information

We will take reasonable steps to inform the person of the purpose for collection, its use and to whom it will be disclosed.

### IPP 4: Other requirements relating to collection of personal information

We will collect personal information that is relevant, not excessive, accurate and up to date. We will not intrude into the personal affairs of another person.

### IPP 5: Retention and security of personal information

We will store personal information securely, not keep it any longer than necessary, and dispose of it appropriately. Information will be protected from unauthorised access, use or disclosure.

### IPP 6: Information about personal information held by agencies

We will take reasonable steps to explain to people what personal information about them is being stored, why it is being used, and any rights they have to access this information.

### IPP 7: Access to personal information held by agencies

We will allow people access to their personal information without unreasonable delay or expense.

### IPP 8: Alteration of personal information

We allow people to update, correct or amend their personal information where necessary.

### IPP 9: Agency must check accuracy of personal information before use

We will take reasonable steps to ensure that personal information is relevant and accurate before using this information.

### IPP 10: Limits on use of personal information

We will only use personal information for the purpose for which it was collected.

### IPP 11: Limits on disclosure of personal information

We will only disclose personal information without consent in order to deal with a serious and imminent threat to the person's health or safety. We may also disclose personal information to a third party who has lawful authority to collect the information, to investigative agencies and to law enforcement agencies.

### IPP 12: Special restriction on disclosure of personal information

We will not disclose personal information about an individual's ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. Sensitive information without consent or lawful authority can only be disclosed in order to deal with a serious and imminent threat to the health or safety of that individual.

## APPENDIX B: HEALTH PRIVACY PRINCIPLES (HPPS)

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The HRIP Act sets out the following 15 Health Privacy Principles (HPPs) relating to health information:

### HPP 1: Purpose of collection of health information

We will collect health information for lawful purposes that directly relate to our functions and activities and necessary for that purpose.

### HPP 2: Information must be relevant, not excessive, accurate and not intrusive

We will collect health information that is relevant, not excessive, accurate and up to date. We will not intrude into the personal affairs of another person.

### HPP 3: Collection to be from individual concerned

In most cases we will collect health information directly from the person concerned. See exemptions at page 16.

### HPP 4: Individual to be made aware of certain matters

We will take reasonable steps to inform the person of the purpose for collection, its use and to whom it will be disclosed.

### HPP 5: Retention and security

We will store health information securely, not keep it any longer than necessary, and dispose of it appropriately. Information will be protected from unauthorised access, use or disclosure.

### HPP 6: Information about health information held by organisations

We will take reasonable steps to explain to people what health information about them is being stored, why it is being used, and any rights they have to access this information.

### HPP 7: Access to health information

We will allow people access to their health information without unreasonable delay or expense.

### HPP 8: Amendment of health information

We will allow people to update, correct or amend their health information where necessary.

### HPP 9: Accuracy

We will take reasonable steps to ensure that health information is relevant and accurate before using this information.

### HPP 10: Limits on use of health information

We will only use health information for the purpose for which it was collected.

### HPP 11: Limits on disclosure of health information

We will only disclose health information without consent in order to deal with a serious and imminent threat to the individual's health or safety. We may also disclose health information to a third party who has lawful authority to collect the information, to investigative agencies and to law enforcement agencies.

### HPP 12: Identifiers

We will not use unique identifiers (other than names) to identify people in respect of personal health information.

### HPP 13: Anonymity

We will give people the option of receiving health services anonymously, wherever it is lawful and practicable.

### HPP 14: Transborder data flows and data flow to Commonwealth agencies

We do not normally transfer health information outside NSW or to Commonwealth agencies, unless it is for the benefit of the person concerned.

### HPP 15: Linkage of health records

We will not include health information about a person in a health records linkage system.



