



STATE LIBRARY®  
NEW SOUTH WALES



## Privacy Management Plan

October 2023

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## 1. Introduction

The State Library of NSW recognises the importance of safeguarding the privacy of individuals and is committed to complying with the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act). This Privacy Management Plan outlines our commitment to protecting the personal and health information we hold.

### 1.1 Why do we have a privacy management plan?

We have a privacy management plan because it's important for our readers, stakeholders, donors, Friends, staff and volunteers to understand how we handle their personal information. It's also a legal requirement under the Privacy and Personal Information Protection Act 1998 (NSW) and the Health Records and Information Privacy Act 2002 (NSW).

**This plan outlines how we comply with the legislation that governs the management of personal and health information. It provides information on who to contact in case of any queries regarding their information, how to access or modify it, and what actions they should take if they suspect any potential breaches of these regulations.**

We use this plan to train our staff on how to handle personal and health information properly. This helps us make sure we're following the laws correctly.

### 1.2 What this plan covers

Section 33(2) of the PPIP Act spells out what needs to be in this plan. This plan must cover:

- information about how we develop policies and practices in line with the PPIP Act and the HRIP Act,
- the way we train our staff in these policies and principles,
- our internal review processes, and
- any other matters we think is relevant to the plan regarding privacy and the personal and health information held by the Library.

### 1.3 Responsibilities of staff and others

All State Library employees and anyone working for the State Library must follow the rules laid out in the PPIP Act and HRIP Act. This also applies to the people working for organisations the State Library engages to provide services.

State Library staff uncertain about how to comply with privacy obligations should seek advice from the State Library's Privacy Contact Officer.

Under section 62 of the PPIP Act:

*It is a criminal offence, with a maximum penalty of 100 penalty units or imprisonment for 2 years, or both, for any employee (or former employee) of*

*the State Library to intentionally use or disclose any personal information about another person, to which the employee has or had access in the exercise of his or her official functions, except as necessary for the lawful exercise of his or her functions.*

#### **1.4 When we review this plan**

We will review this plan annually. We will review the plan earlier if any legislative, administrative or systemic changes affect how we need to manage personal and health information.

## **2. About us**

The State Library of NSW is one of the oldest libraries in Australia, with a history tracing back to the establishment of the Australian Subscription Library in 1826. In 1869, the NSW Government took responsibility for the Library, forming the Sydney Free Public Library, the first truly public library for the people of New South Wales. The State Library's renowned historical and contemporary collections, which comprise more than six million items, hold the growing memory of our state and nation.

The State Library also offers access to information and resources both onsite and online, hosts a dynamic range of public programs through exhibitions, talks, tours and movies, and conducts a range of learning and professional development programs. The State Library supports the NSW Public Library Network, administering the annual public library grants and subsidies program.

### **2.1 Our functions**

The State Library is one of the State's cultural institutions within the Department of Enterprise, Investment and Trade (DEIT). The State Library operates under the *Library Act 1939 (NSW)* and *Library Regulation 2010 (NSW)*. The State Library administers the Library Act 1939 (NSW) and Regulation through the Minister for the Arts.

The Library Council of NSW is the governing body of the State Library. Library Council objectives are defined in section 4A of the Library Act 1939 and the Library Regulation 2018. Both underpin the provision of NSW public library services for the community.

The NSW State Librarian is responsible for the administration and management of the State Library and the library and information services it provides.

The NSW State Librarian is supported by the Chief Operating Officer, the Executive Director, Library Services and Dixon Librarian, the Director, Digital Experience & CIO, and the Mitchell Librarian and Director, Engagement.

The State Library of NSW's core functions are to:

- collect, preserve and make accessible the documentary history, culture and life of NSW/Australia
- Manage the library's extensive collection of over 6 million items.

- Provide and maintain library and information services and access to library collections.
- promote our role as a cultural destination.
- promote our collections and services through events and exhibitions.
- educate the community through our learning and professional development programs.
- support the NSW public library network through funding, advisory and consultancy, connectivity and compliance services.
- managing the staffing, systems and administration of our agency and buildings, including the historical Mitchell Library.
- manage various support programs and undertake fundraising activities.

## 2.2 Our stakeholders

We may collect personal information from the following stakeholders to carry out our functions and provide services:

- Library readers and visitors
- State Library employees
- NSW Public Libraries
- NSW Public sector agencies (includes Ministers' offices, state-owned corporations, local councils and universities)
- private sector companies
- non-government organisations
- other cultural institutions.

## 3. Compliance

At the State Library, we are committed to protecting the privacy of our staff and stakeholders. Because we are a public sector agency in NSW, we follow the PPIP Act and HRIP Act, which outline how we handle personal and health information.

We gather, store, use, and share various types of personal information as needed to perform our duties. In this section, when we talk about personal information, we also mean health information.

### 3.1 Personal information

The PPIP Act applies to all personal information, except for health-related data, and mandates that all agencies comply with 12 information protection principles (IPPs). These IPPs cover the entire life cycle of information, including its collection, storage, usage, and disposal. They also include provisions for data security, data accuracy, and the right to access and amend personal information. The Act also regulates personal information collection, use, and disclosure. Personal information is any information or opinion that relates to a person who can be identified from the information.

Personal information does not include:

- **information about an individual's suitability for public-sector employment**
- **information about people who have been deceased for more than 30 years.**

- **exceptions relating to law enforcement investigations.**

**It is worth noting that specific exemptions apply to the definition of personal information and health information held in the State Library's collections.** <sup>1</sup>

- information about an individual that is contained in a publicly available publication.
- information about an individual that is contained in a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

**Access to sensitive personal and cultural information contained in the collections is governed by the Library's Guidelines for accessing sensitive collections.**

### **3.2 Health information**

Health information is a specific type of personal information that contains information or opinions about an individual's physical or mental health or disability. It often comprises more private and comprehensive details about an individual that cannot be found in any other record, and any inappropriate use or disclosure of health information can have severe consequences.

As per the HRIP Act, health information is governed by 15 Health Privacy Principles (HPP). It encompasses information about a person's disability as well as health and disability services provided to them. The State Library must adhere to the 15 HPPs to comply with the Act. These principles cover the entire information 'life cycle' and include rules related to anonymity, using unique identifiers, and sharing electronic health records.

The State Library of NSW is committed to protecting the privacy of its patrons, staff and volunteers. The Library collects, holds, uses and discloses health information in accordance with the Health Records and Information Privacy Act 2002 (HRIP Act) and the Health Privacy Principles (HPPs) contained therein. The Library adheres to the following principles when handling health information:

- Only collecting health information that is necessary and does so directly from the individual unless impracticable.
- Informing individuals of the reasons for collecting their health information, how it will be used and disclosed, and how they can access and correct it. The State Library provides a privacy notice on its website and forms used to collect health information.
- Only use or disclose health information for the purpose for which it was collected or a related purpose that the individual would reasonably expect unless the individual consents or an exemption applies under the HRIP Act
- Health information is protected from unauthorised access, use, modification, disclosure, or loss, and only kept as long as needed. The State Library has physical, technical, and administrative safeguards in place to ensure the security of health information. The State Library also retains and disposes of health information following its records management policy and relevant legislation.
- Allowing individuals to access, correct or amend their health information without undue delay or cost. Individuals can request access to their health information and to amend or

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<sup>1</sup> [Privacy and Personal Information Protection Regulation 2019](#). Section 5

ask for it to be deleted by contacting the State Library's Privacy Officer or by using the online form on the State Library's website.

### 3.3 Exemptions to the Privacy Principles<sup>2</sup>

Exemptions to the privacy principles can be found in:

- the text of the PPIP Act
- the text of the HRIP Act
- regulations made under either Act.
- Privacy Codes of Practice made by the Attorney General under the PPIP Act
- Privacy Codes of Practice made by the Minister for Health under the HRIP Act
- Public Interest Directions made by the NSW Privacy Commissioner under either Act.

### 3.4 Other laws and guidelines that affect how we comply with the IPPs and HPPs

This section contains information about the main laws that affect how we comply with the IPPs and HPPs.

#### *Crimes Act 1900 (NSW)*

Under this law, we must not access or interfere with data in computers or other electronic devices unless authorised.

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

Under this law, individuals have the right to request access to government-held information, which may include personal or health information. In situations where an individual has requested access to someone else's personal or health information, we are required to consult with any affected third parties. Under the NSW GIPA Act, if it's decided that a third party's personal information should be released, we can't share it until the third party has the opportunity to request a review of our decision<sup>3</sup>.

#### *The Mandatory Notification of Data Breach (MNDB) Scheme*

Amendments to the *Privacy and Personal Information Protection Act 1998* (PPIP Act) will come into effect on 28 November 2023. The amendments impact the responsibilities of agencies under the PPIP Act, and require agencies to provide notifications to affected individuals in the event of an eligible data breach of their personal or health information by an NSW public sector agency or state-owned corporation subject to the PPIP Act

#### *Independent Commission Against Corruption Act 1988 (NSW)*

Under this law, we must not misuse any information we have obtained while doing our jobs.

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

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<sup>2</sup> [Health Records and Information Privacy Act 2002.](#)

<sup>3</sup> <https://www.ipc.nsw.gov.au/fact-sheet-third-party-consultation>



Under the PID Act, people working within an NSW public sector agency can make a public interest disclosure (PID) to the Information Commissioner about a failure to properly fulfil functions under the GIPA Act.

We note that 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.

#### *State Records Act 1998 and State Records Regulation 2010 (NSW)*

This law specifies the circumstances under which we are allowed to dispose of our records. It also allows the State Records Authority to create policies, standards and codes to ensure that public sector agencies in NSW manage their records in a proper manner.

#### *NSW Government Information Classification, Labelling, and Handling Guidelines*

These guidelines have been developed to help agencies correctly assess the sensitivity or security of their information so that the information can be identified. They mandate the way in which information is managed, how the information is accessed, stored, transferred, or transmitted, shared, archived and disposed of.

#### *Guidelines for accessing sensitive collections – State Library of NSW*

As Library material is exempt from the PPIP Act and the HRIP Act, these guidelines enable us to fulfill our privacy obligations with sensitivity while ensuring equitable access to specific collections that may contain personal or sensitive information, or culturally sensitive content and records related to out-of-home care.

#### *Memorandums of Understanding or referral arrangements with other agencies*

The Library does not have any Memorandums of Understanding or referral arrangements with other agencies.

## **4. Collection**

We only collect personal information for legal and relevant purposes related to the Library's operations.

### **4.1 Types of information collected.**

The State Library may collect the following types of personal and health information:

- addresses
- allowances (salary)
- bank account details
- citizenship
- country of birth
- credit card details
- CV/resumé
- date of birth
- deductions (salary)
- disability
- driver's licence number
- education
- email address
- health assessment

- Library card number
- marital status
- medical certificates
- full name
- occupation
- passport number
- performance agreements
- performance development reviews
- phone number
- previous employment
- private health insurance details
- probation reviews
- signature
- skills assessment
- superannuation details
- tax file number
- third-party information e.g. details of referees
- next of kin
- workplace & safety constraints.

The State Library collects readers and visitors personal and health information during the delivery of services and programs, for example;

- appreciations and complaints
- attendance lists for Library functions and events.
- awards, fellowships, contestant and participant information
- research and information requests (Ask a Librarian)
- reader registration
- requests for exemptions to access conditions.
- readers with a disability who register to use adaptive technology.
- Philanthropic programs
- copyright and permission applications
- information collected during reader research projects.
- professional and non-professional courses for external clients
- website feedback.
- copyright owners
- from donors/vendors of original (unpublished) and published material.

The State Library collects personal and health information about its employees, contractors, volunteers and members of the Library Council and Foundation for example:

- health, workers' compensation and rehabilitation information
- industrial, legal, grievance and disciplinary matters
- learning and development records
- leave and payroll data.
- personnel information (including contact information, child protection)
- recruitment records.
- banking details

#### **4.2 We collect personal information from individuals directly.**

The State Library collects personal and health information via telephone, email, correspondence, in-person, in hard copy and electronic forms.

As a general practice, we obtain personal information directly from the individuals concerned unless explicit authorisation has been granted to collect information through a third party. In cases involving individuals under the age of 16, personal information may be provided by a parent or guardian.

At the State Library, we are transparent about how we handle personal information. We inform people about why we collect their data and how they can access and update it. We respect privacy and provide clear information for informed choices about sharing their personal information.

When we gather personal information, we take reasonable steps to ensure that the person providing the information is aware of the following:

- The fact that we are collecting their information.
- The specific purposes for which we are collecting their information.
- Who the intended recipients of their information are.
- Whether providing this information is a legal requirement or voluntary, and the potential consequences of not providing it.
- Their right to access and correct their information.
- The name and address of the agency collecting the information and the agency responsible for holding it.

To communicate these points effectively, and to ensure people are aware that the Library is collecting their data as part of the transaction, the State Library provides a privacy notice on all forms used to request personal information and in our Web Privacy Statement.

#### **4.2.1 We ensure that the personal information collected is relevant, accurate, is not excessive and does not intrude to an unreasonable extent on the individual's personal affairs.**

The State Library will request only the personal information required to deliver services and fulfil its duties. When deciding what personal information to request, State Library staff will make sure it is no more than what is directly related and necessary for the specific function or purpose for which it is being gathered.

It's important to highlight that according to Section 4 of the PPIP Act, personal information is not considered as collected by a public sector agency if the agency receives it unsolicited.<sup>9</sup>

### **4.3 Storage**

#### **4.3.1 We will store personal information securely, keep it no longer than necessary and destroy it appropriately. We protect personal information from unauthorised access, use or disclosure.**

The State Library stores personal information directly in both digital and hard copy formats. Storage locations include both on-site and cloud-based databases and

information storage services, email accounts, and hard copies retained in physical files.

We handle information in compliance with the State Records Act 1998 (NSW) and classify, label and handle it according to the NSW Government Information Classification, Labelling, and Handling Guidelines. NSW government agencies are legally obliged to ensure confidential information is securely held and used only for the purposes for which it was collected. This must be done in accordance with the NSW Government Digital Information Security Policy, which describes the government's system for classifying, labelling and handling sensitive information.

Our commitment to safeguarding personal information is a top priority, and we have put in place various protective measures to prevent unauthorised access, use, or disclosure. These measures include password protection using multi-factor authentication, single sign-on, access controls and audit logs for databases, secure filing cabinets, and restricted swipe card access to storage locations.

Vendors that handle Personally Identifiable Information (PII) on behalf of the Library must have ISO accreditation, ISO/IEC 27018:2014 certification, an international standard ensuring the protection of PII in cloud computing services. This demonstrates the Library's commitment to safeguarding sensitive information.

We ensure that all personal information is deleted from our systems or securely destroyed using designated secure disposal bins when it is no longer needed for the original purpose for which it was collected.

#### **4.4 Access**

##### **4.4.1 We are transparent about the personal information we store about people, why we use the information and about the right to access and amend it.**

The State Library will take reasonable steps to allow a person to ascertain whether we hold their personal information, the nature of the information, the main purpose for which the information is used, and the person's entitlement to gain access to the information.

State Library staff should also direct people to this Privacy Management Plan available online from [www.sl.nsw.gov.au/about/privacy/pmp.html](http://www.sl.nsw.gov.au/about/privacy/pmp.html) and the Intranet.

##### **4.4.2 We allow people to access their personal information without unreasonable delay or expense and update, correct or amend their personal information where necessary.**

The State Library allows a person to access their own personal information and make amendments without unreasonable delay or expense.

A person can request access to or amendment of their own personal information informally in person or by telephone. If necessary, a person may be required to verify their identity.

A person can also make a formal application to access or amend their personal information by submitting a written request using our '[Access or amend personal information](#)' form or by letter, email or fax stating the following:

- Name and contact details.
- State whether the application is being made under the PPIP Act or HRIP Act
- Specify what personal information they want to access and/or amend.
- Specify the reason their personal information should be amended.

The State Library aims to acknowledge a request to provide access to or amendment of their personal information within **5 working days** and aims to provide a response within **20 working days**.

A person can also apply to access their personal information under the *Government Information (Public Access) Act 2009* (GIPA Act) (NSW). Access application forms are available on our website at: <http://www.sl.nsw.gov.au/right-to-information>.

The State Library is usually restricted from giving people access to someone else's personal or health information. The PPIP Act and HRIP Act give people the right to access their own information; they generally do not give people the right to access someone else's information. See section 4.6.1 below for more detail of exemptions to this restriction. The GIPA act includes an exemption to this rule as well <sup>4</sup>

#### **4.4.3 We make sure that personal information is relevant and accurate before using it.**

The State Library is obligated to use personal information only for the purpose it was collected. This means they must take reasonable steps to ensure that the information is used for its intended purpose, is relevant, accurate, up-to-date, complete, and not misleading.

### **4.5 Use**

#### **4.5.1 We only use personal information, including health information, for the purpose it was collected, including secondary-related purposes such as program evaluation and customer satisfaction surveys.**

The State Library will only use information for the purpose for which it was collected unless:

- the individual to whom the information relates has consented to the use of the information for that other purpose or
- the other purpose for which the information is used is directly related to the purpose for which the information was collected or
- the use of the information for that other purpose is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual to whom the information relates or of another person.

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<sup>4</sup> <https://www.ipc.nsw.gov.au/fact-sheet-third-party-consultation>

## 4.6 Disclosure

### 4.6.1 We will not disclose personal information to a third party unless the disclosure is directly related to the purpose for which it was collected, and we have no reason to believe the individual would object to the disclosure.

The State Library will not disclose personal information unless the individual concerned is reasonably likely to have been aware or has been made aware that information of that kind is usually disclosed to that other person or body. For example, applications to a particular award or fellowship may be forwarded to the judges of the award or fellowship.

The State Library may disclose personal information in instances where another Act or law authorises or requires us to do so. For example, to investigate an alleged breach of copyright under the *Copyright Act 1968* (Cth).

Under section 26 of the PPIP Act a person can give us consent to disclose their personal information to someone that would not normally have access to it.

Under section 7 and section 8 of the HRIP Act an 'authorised person' can act on behalf of someone else. The HPPs also contain information about other reasons we may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

### 4.6.2 We do not disclose sensitive personal information, that is, an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities without the individual's consent.

The State Library will not disclose sensitive personal information without consent unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person or where another Act or law authorises or requires us to do so.

## 4.7 Public Registers

A public register is a register of personal information that is required by law to be made publicly available or open to the public for inspection.

The State Library maintains one public register in accordance with Schedule 1(8a) of the *Library Act 1939* (NSW):

- *Register of pecuniary interests of members of the Library Council of New South Wales.*

The register is open at all reasonable hours to inspection by any person on payment of the fee determined by the Library Council.

Part 6 of the PPIP Act requires that agencies with responsibility for public registers:

- satisfy themselves that personal or health information disclosed from a register is used for a purpose relating to the purpose of the register of the Act under which the public register is kept (section 57 PPIP Act), and
- comply with requests to suppress personal or health information from the register, where the agency is satisfied that the safety and well-being of any person would be affected by not suppressing that information (section 58 PPIP Act).

Written requests to inspect the register or to ask for personal or health information to be suppressed should be addressed to the Privacy Contact Officer (outlined in part 8 of the plan) by letter, email or fax stating your contact details and the reason for seeking access or suppression.

The State Library may require the applicant to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection (section 57(2) PPIP Act).

#### **4.8 Privacy Codes of Practice**

A privacy code of practice is a legal instrument made under Part 3 of the PPIP Act, which allows an agency to modify a privacy provision Information Protection Principle (IPP) or a public register provision or specify how that provision will apply in a particular circumstance.

- The State Library does not currently have a privacy code of practice.

#### **4.9 Public Interest Directions**

A Public Interest Direction adjusts how the Information Privacy Principles (IPPs), or the Code of Practice applies to specific projects or activities undertaken by one or more public sector agencies. It's important to note that this direction doesn't authorise any behaviour that would be illegal otherwise, such as confidentiality requirements.

- There are no Public Interest Directions currently affecting the State Library.

### **5. Policies and procedures**

State Library staff should consult with the Privacy Contact Officer when developing new policies or procedures or amending them in a way that could change how we manage personal and health information.

The Privacy Contact Officer will provide advice to ensure new and amended policies and procedures comply with the PPIP Act, HRIP Act and the State Library's Privacy Management Plan.

State Library policies, procedures, codes, guidelines, statements and plans that apply to Library readers and visitors are available on our website at <http://www.sl.nsw.gov.au/about-library/legislation-and-policies>.

## 6. Mandatory Notification of Data Breach Scheme

Part 6A of the Privacy and Personal Information Protection Act 1998 (NSW) establishes a rule called the NSW Mandatory Notification of Data Breach (MNDB) scheme. This scheme makes it mandatory for all government agencies in NSW that follow the PPIP Act to inform the Privacy Commissioner and the people affected when certain data breaches occur.

The Mandatory Notification of Data Breach (MNDB) Scheme will come into effect on **28 November 2023**.

*This Plan will be updated at that time to include details on the Library's policy, response plans and data breach register.*

## 7. Review rights and complaints.

### 7.1 Internal review by the State Library

People have the right to seek an internal review under the PPIP Act if they think we have breached the PPIP Act or HRIP Act relating to their own personal or health information. People cannot seek an internal review for a breach of someone else's privacy unless they are an authorised representative of the other person.

Under section 53(3) of the PPIP Act, an application for an internal review must:

- be in writing, and
- be addressed to the State Library of NSW, and
- specify an address in Australia to which a notice of the outcome of the review may be sent, and
- be lodged at the State Library of NSW within six months from the time the applicant first became aware of the conduct they want reviewed. We may also consider a late application for review.

If the complaint is about an alleged breach of the IPPs and/or HPPs, the internal review will be conducted by an officer who:

- was not involved in the conduct, which is the subject of the complaint, and
- is an employee or an officer of the agency, and
- is qualified to deal with the subject matter of the complaint.

### 7.2 Internal review process

A person can apply for an internal review by completing our '[Privacy complaint – request an internal review](#)' form and sending it to the Privacy Contact Officer by email, fax or post or lodging the form in person.

In most cases, the Privacy Contact Officer will conduct the internal review. However, if the review pertains to the conduct of the Privacy Contact Officer, an alternative reviewer will be appointed. The comprehensive review process is outlined in the '[Complaints about a breach of privacy](#)'.

The State Library aims to:



- acknowledge receipt of an internal review within **5 working days**
- send a letter to the NSW Privacy Commissioner with details of the application. A photocopy of the written complaint will be provided to the NSW Privacy Commissioner
- complete an internal review within **60 calendar days**.

The Privacy Contact Officer will inform the applicant of the progress of the internal review, particularly if it is to take longer than first expected.

The Privacy Contact Officer will respond to the applicant in writing within **14 calendar days** of deciding the internal review as required under section 58(8) of the PPIP Act.

The response will include:

- the findings of the review (and the reasons for those findings), and
- the action we propose to take (and the reasons for taking that action), and
- the applicant's entitlements to have the findings and our proposed action reviewed by the NSW Civil and Administrative Tribunal (NCAT).

We will also send a copy of our response to the NSW Privacy Commissioner.

Statistical information about the number of internal reviews conducted will be included in the Annual Report of the Library Council of New South Wales as required under the *Annual Reports (Statutory Bodies) Act 1984* (NSW).

### **7.3 The NSW Privacy Commissioner's role in internal reviews**

The State Library is required to notify the NSW Privacy Commissioner when an internal review request is received and of the proposed outcome. The NSW Privacy Commissioner is entitled to make submissions to the State Library outlining their view on the matter.

A person can also make a complaint directly to the NSW Privacy Commissioner if they think the State Library has breached the PPIP Act or HRIP Act relating to their own personal or health information.

#### **Information and Privacy Commission**

Level 15

McKell Building

2-24 Rawson Place

Haymarket NSW 2000

GPO Box 7011

Sydney NSW 2000

Phone: 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)

## 7.4 External review by the NSW Civil & Administrative Tribunal

If you are not satisfied with the result of an internal review we have undertaken, or if you don't receive a result within 60 days, you have the option to seek an external review by the NSW Civil and Administrative Tribunal (NCAT). You have 28 days after receiving the internal review decision to do so.

NCAT has the authority to make final decisions in an external review.

### NSW Civil and Administrative Tribunal

Level 10  
John Maddison Tower  
86-90 Goulburn Street  
Sydney NSW 2000  
Phone: 1300 006 228  
Website: [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

## 7.5 Other ways to resolve privacy concerns.

We strongly encourage individuals to attempt an informal resolution of privacy matters with us before initiating the formal review process. It is advisable that individuals contact the State Library's Privacy Contact Officer to discuss the issue prior to formalising a request for an internal review.

The Privacy Contact Officer:

- responds to enquiries about how we manage personal and health information.
- responds to requests for access to and amendment of personal or health information.
- provides guidance on broad privacy issues and compliance.
- conducts internal reviews about possible breaches of the PPIP Act and HRIP Act (unless the subject of the review is the conduct of the Privacy Contact Officer).

## 8. Promoting the plan

### 8.1 Executive and Governance

Our Executive Committee is committed to transparency about how we comply with the PPIP Act and HRIP Act, and we do this by:

- endorsing the plan and making it publicly available
- providing a copy of the plan to relevant oversight bodies such as the Library Council of New South Wales and the Audit & Risk Committee
- reporting on privacy issues in our annual report as required under the *Annual Reports (Statutory Bodies) Act 1984* (NSW)
- confirming support for privacy compliance in the code of conduct
- attest to complying with privacy legislation annually.
- identifying privacy issues when implementing new systems or activities.

## 8.2 State Library staff

We ensure that our staff are aware of and understand this plan, particularly how it applies to their work. Privacy breaches are more likely to occur when a plan is not sufficiently relevant to the work that is done in an agency. With this in mind, we have written this plan in a practical way so our staff can understand what their privacy obligations are, how to manage personal and health information in their work and what to do if unsure.

We make our staff aware of their privacy obligations by:

- publishing the plan on our Intranet and website
- including the plan in induction packs
- providing advice on privacy issues that arise in day-to-day work.
- providing privacy procedures and guidelines on our Intranet and website
- highlighting the plan during Privacy Awareness Week.

When our staff have questions about how to manage personal and health information and this plan or associated procedures and guidelines do not answer them, they should consult their manager or the Privacy Contact Officer.

## 8.3 Public awareness

This plan is an assurance to our stakeholders of how we manage personal and health information. We will promote public awareness of this plan by:

- writing the plan in plain English
- publishing the plan on our website in accordance with the open access provisions of the GIPA Act
- providing hard copies of the plan free of charge on request
- tell people about the plan when we answer questions about how we manage personal and health information.

## 8.4 Contacting us

### Privacy Contact Officer

State Library of NSW  
Macquarie St  
Sydney NSW 2000  
Phone: (02) 9273 1796  
Email: [privacy@sl.nsw.gov.au](mailto:privacy@sl.nsw.gov.au)  
Website: [www.sl.nsw.gov.au/privacy](http://www.sl.nsw.gov.au/privacy)

## Definitions and interpretations

For the purposes of this document and unless the context otherwise requires:

**Health information** means personal information that is *also* information or an opinion about:

- the physical or mental health or a disability (at any time) of an individual, or
- an individual's express wishes about the future provision of health services to him or her, or
- a health service provided, or to be provided, to an individual, or
- other personal information collected to provide, or in providing, a health service, or
- other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or
- other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of any sibling, relative or descendant of the individual, or
- healthcare identifiers.

**HPPs** means the 15 health privacy principles in the HRIP Act.

**HRIP Act** means the *Health Records and Information Privacy Act 2002* (NSW).

**IPPs** means the 12 information protection principles in the PPIP Act.

**PCO** means the Privacy Contact Officer for the State Library.

**Personal information** means 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.

Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.

There are some kinds of information that are not personal information, e.g. 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.

**PPIP Act** means the *Privacy and Personal Information Protection Act 1998* (NSW).

**Privacy** is not defined in the law but is sometimes described as "the right to a sense of personal freedom, the right to have information about oneself used fairly, and a right to be left alone".

**Privacy obligations** means the "privacy principles" and any exemptions to those principles.

**Privacy principles** include the 12 IPPs, the 15 HPPs, and the public register rules.

**Public register** 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).

**Sensitive personal information** includes information about a person's ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership.

**Staff** in the context of this Plan includes employees of the State Library of New South Wales, consultants, contractors (labour hire), volunteers and Members of the Library Council of New South Wales and its Committees.

**The plan** means the Privacy Management Plan of the State Library of New South Wales.

#### Document history and version control

| Version | Date approved   | Approved by                           | Endorsed by            | Brief description  |
|---------|-----------------|---------------------------------------|------------------------|--|
| 1.0     | 14 June 2000    | Executive                             |                        | First release  |
|         | 26 June 2000    |                                       | Library Council of NSW |  |
| 1.0     | 21 June 2005    | Executive                             |                        | Second release to incorporate HRIPA  |
|         | 25 July 2005    |                                       | Library Council of NSW |  |
| 3.0     | 4 June 2013     | Executive                             |                        | Third release  |
| 4.0     | 31 May 2016     | Executive                             |                        | Fourth release   |
| 4.1     | 8 Nov 2017      |                                       |                        | Updated to reflect new State Librarian & new cluster   |
| 4.2     | 7 May 2018      | Manager Digital Strategy & Innovation |                        | Minor formatting changes to improve readability.   |
| 4.3     | 2 October 2018  | Chief Information Officer             |                        | Amendment to 3.8 incorporating advice from Salinger Privacy.   |
| 5.0     | 18 October 2023 | Executive                             |                        | Complete review per PIPA guidelines. Refresh language for clarity and updated contact and organisation details. Include references to Mandatory Breach notification guidelines |
| 5.1     | 11 March 2024   |                                       |                        | Minor text corrections & update of IPC address   |