



PORT STEPHENS
COUNCIL

TELINA WEBB

Email: info@nswfreedomofinformation.net

Dear Ms Webb,

Re: REQUEST FOR REVIEW OF CONDUCT UNDER S53 PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 (NSW) (PIPA)

I refer to Council's email acknowledgment of your request for review dated 14 October 2024, wherein you seek an internal review of Council conduct pertaining to uploading of personal information to the Information and Privacy Commission GIPA Tool.

Nature of the complaint

It is alleged Council has uploaded your personal information to the Information and Privacy Commission GIPA Tool without your consent.

There is no timeframe specified in your complaint.

Relevant information privacy principles at issue

Based on the information available to Council at this time, I have identified Information Protection Principles (IPPs) 10 and 11 to be at issue, which fall under ss17-18 PPIPA:

s17 LIMITS ON USE OF PERSONAL INFORMATION (IPP 10)

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) *the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) *the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*

PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4988 0255
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au
ABN 16 744 377 876



PORT STEPHENS
COUNCIL

- (c) *the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.*

s18 LIMITS ON DISCLOSURE OF PERSONAL INFORMATION (IPP 11)

- (1) *A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*
- (a) *the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
- (b) *the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or*
- (c) *the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.*
- (2) *If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

Timeframes

An application for an internal review must be made within six months of the Applicant becoming aware of the matter. As noted above, your application provides no specific timeframe.

The internal review must be completed as soon as reasonably practicable in the circumstances. If it is not completed within 60 days from the day on which the application was received, you are entitled to make an application under s55 PPIPA to the NSW Civil and Administrative Tribunal for an administrative review.

Council anticipates the internal review will be completed by 14 December 2024. If the date needs to be extended, you will be consulted.

PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4988 0255
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au
ABN 16 744 377 876



PORT STEPHENS
COUNCIL

Privacy Commissioner

Council is required under s54 PPIPA to provide a copy of your application and the subject matter to the NSW Privacy Commissioner as part of their oversight role.

Contact person

I am authorised to conduct Council internal reviews under PPIPA and will undertake the review in relation to this Application.

Yours sincerely,

Tim Crosdale
General Manager

12 November 2024

Telephone enquiries: 02 4988 0246
Please quote file no: PSC2024-04236



PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4988 0255
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au
ABN 16 744 377 876