

A large, decorative graphic consisting of three overlapping, curved bands in shades of blue and teal, resembling a stylized wave or water flow, positioned above the main title.

Privacy Management Plan

March 2025

Privacy Management Plan

Purpose/scope

The purpose of this Privacy Management Plan is to set out practices which will assist WaterNSW in implementing the applicable Privacy Principles under the *Privacy and Personal Information Protection Act 1998*(NSW) and the *Health Records and Information Privacy Act 2002*(NSW).

| | |
|------------------------|---|
| Implementation officer | General Counsel & Company secretary |
| Relevant to | The WaterNSW Board All WaterNSW employees |
| Relevant documents | WaterNSW Code of Conduct WaterNSW Privacy Policy WaterNSW Data Breach Policy WaterNSW Information Classification and Handling Standard |
| Relevant legislation | <i>Privacy and Personal Information Protection Act 1998</i> (NSW) <i>Health Records and Information Privacy Act 2002</i> (NSW) <i>Privacy Act 1988</i> (Cth) <i>Government Information (Public Access) Act 2009</i> (NSW) <i>State Records Act 1998</i> (NSW) |

Monitoring, evaluation and review, revision history

The monitoring, evaluation and review describes the process of assessing the performance of the procedure against specific outcomes. This section should not include databases, audits or processes that are not currently planned or in existence.

| Monitoring | This policy is subject to ongoing monitoring in order to reflect current practices within WaterNSW, legislative requirements and best practice guidelines. | | | | | | |
|-----------------------|---|-------------|---------------------------|------|----------|--------|---------|
| Evaluation and review | This document is risk rated as a Medium level based on the WaterNSW Risk Management Rating table. It will be reviewed no later than every 2 years unless a change in legislation or regulatory requirement commands the need to review. <table border="1"><thead><tr><th>Risk rating</th><th>Recommended review period</th></tr></thead><tbody><tr><td>High</td><td>Annually</td></tr><tr><td>Medium</td><td>2 years</td></tr></tbody></table> | Risk rating | Recommended review period | High | Annually | Medium | 2 years |
| Risk rating | Recommended review period | | | | | | |
| High | Annually | | | | | | |
| Medium | 2 years | | | | | | |

| | | |
|------------------|--|---------|
| | Low | 3 years |
| Revision history | <p>March 2025 – Revised to add reference to relevant exemptions, additional information about WaterNSW use and disclosure of personal information, updated branding.</p> <p>December 2023 – Revised to reflect amendments to <i>Privacy and Personal Information Act</i> 1998 commencing 28 November 2023.</p> <p>August 2022 – This document replaces and supersedes the former WaterNSW Privacy Procedure.</p> | |

Approval

Joe Pizzinga

Executive Manager, Finance Legal & Risk

14 March 2025

Table of contents

| | |
|---|-----------|
| Privacy Management Plan | 2 |
| 1. Purpose/Scope | 6 |
| 2. What is personal information and health information? | 6 |
| 2.1 Personal information | 6 |
| 2.2 Health information | 7 |
| 3. When is information held by WaterNSW?..... | 7 |
| 4. Application of Privacy Principles..... | 8 |
| 4.1 Privacy Principle 1 - Collection | 8 |
| 4.2 Privacy Principle 2 - Storage and security | 11 |
| 4.3 Privacy Principle 3 - Access and amendment | 12 |
| 4.4 Privacy Principle 4 - Use..... | 13 |
| 4.5 Privacy Principle 4 - Disclosure..... | 13 |
| 4.6 Privacy Impact Assessments | 15 |
| 5. Exemptions & public registers..... | 15 |
| 5.1 Exemptions | 15 |
| 5.2 Public Registers | 16 |
| 6. Data breaches | 16 |
| 7. Training & awareness..... | 16 |
| 8. Offences..... | 16 |
| 9. Your privacy rights | 17 |
| 9.1 Internal review rights | 17 |
| 9.2 External review rights and complaints | 18 |
| 9.3 Public interest disclosures | 18 |
| 10. Linked legislation | 18 |
| 10.1 <i>Privacy Act 1988</i> (Cth) | 18 |
| 10.2 <i>Government Information (Public Access) Act 2009</i> (NSW) | 18 |
| 10.3 <i>State Records Act 1998</i> (NSW)..... | 19 |
| 11. Authorities and responsibilities | 19 |
| 12. Definitions..... | 21 |

1. Purpose/Scope

WaterNSW is required to collect, use, store and disclose information in its delivery of services to customers and the community, and in the exercise of its statutory functions. Some of that information includes the Personal Information and Health Information of customers and Employees.

WaterNSW takes the privacy of its customers and Employees seriously and is committed to respecting and protecting the privacy of its customers and Employees through the effective management of Personal Information and Health Information.

WaterNSW achieves this commitment through compliance with the Privacy Principles set out in the following Acts:

- *Privacy and Personal Information Protection Act 1998*(NSW)(**PPIP Act**); and
- *Health Records and Information Privacy Act 2002*(NSW)(**HRIP Act**).

Section 33 of the PPIP Act requires WaterNSW to prepare and implement a Privacy Management Plan. The purpose of this Privacy Management Plan (**Plan**) is to set out practices which will assist WaterNSW in implementing the Privacy Principles. This Plan is subject to regular review in order to ensure that any change in legislative requirements or WaterNSW practices are captured.

This Plan applies to all Personal Information and Health Information that is held by WaterNSW in accordance with section 3 of this Plan. All capitalised terms used throughout this Plan are defined in section 14.

2. What is personal information and health information?

2.1 Personal information

Personal information means:

- Information or an opinion (including information or an opinion forming part of a database whether recorded in material form or not);
- About an individual;
- Whose identity is apparent or can reasonably be ascertained from the information or opinion.

Common examples of Personal Information include a person's name, date of birth, email address, mobile phone number or residential address. It also includes banking information and tax file number information which WaterNSW may collect for billing purposes. Further additional considerations apply to the collection, use and disclosure of tax file numbers (see 12.1 below).

Personal Information includes information recorded in paper form, electronic records including emails and forms, photographs and audio and voice recordings.

Personal Information also includes information about a person which doesn't include the person's name but includes enough information to be able to reasonably identify whom the information is about.

There are some exceptions to the definition of Personal Information, such as information about a person's suitability for employment or promotion as a public sector official, information about a person who has been deceased for more than 30 years, information included in a publicly available publication, and information about an individual contained in a public interest disclosure within the meaning of the *Public Interest Disclosures Act 2022*(NSW), or collected in the course of investigating a public interest disclosure.

2.2 Health information

Health information means Personal Information that is information or an opinion about a person's physical or mental health or disability (at any time), or a person's express wishes about the future provision of his or her health services or a health service provided or to be provided to a person.

WaterNSW collects Health Information in limited circumstances and primarily in relation to Employees, for example, if an Employee has an injury or medical condition which is relevant to their employment.

Unless otherwise stated, a reference to "information" in this Plan is a reference to both Personal Information and Health Information.

3. When is information held by WaterNSW?

For the purposes of this Plan, Personal Information and Health Information is taken to be held by WaterNSW when the information is:

- Stored on a WaterNSW database or physically held in a WaterNSW office
- In the possession or control of a person employed or engaged by WaterNSW (for example, a contractor engaged to assist WaterNSW with a particular function)
- Contained in a State record that WaterNSW is responsible for under the *State Records Act 1998* (NSW).

Unsolicited information: From time to time, WaterNSW may receive Personal and Health Information on an unsolicited basis, for example, a resume from a person in circumstances where a position is not advertised. Unsolicited information will only be held by WaterNSW where it has been determined that WaterNSW could have collected the information, in accordance with this Procedure. Unsolicited information is not considered to be collected by WaterNSW. As such, the collection principle set out in this Plan does not apply to such information, however the remaining principles set out in this Plan do apply.

4. Application of Privacy Principles

4.1 Privacy Principle 1 – Collection

WaterNSW collects and receives 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, email, through online portals such as the WaterNSW Customer Portal and Water Applications Online, via the WaterNSW website enquiry form, over the phone, by fax, and in person at WaterNSW's office reception counter.

WaterNSW also collects and receives Personal and Health Information from third parties such as other regulatory agencies, and government authorities, including for example the Natural Resources Access Regulator, WaterNSW's workers compensation insurer or direct from medical practitioners treating Employees. Each step is set out in further detail below. The first three steps should be carried out concurrently where possible. The last step provides recommendations for longer-term solutions and prevention strategies.

4.1.1 Information about customers

The following practices apply in respect to the collection of customers' Personal and Health Information by WaterNSW:

- WaterNSW will only collect information that is directly related to and reasonably necessary for the exercise of its lawful functions and for the delivery of services to its customers and the community.
- The types of information collected by WaterNSW include:
 - Customer contact information (including name, address, telephone number);
 - Customer identification information (including date of birth, email address and proof of identity documents);
 - Billing information; and in limited cases, sensitive information such as Health Information.
- WaterNSW will only collect as much information as is needed for the specific function or service. It will not collect excessive information, and will ensure that the information collected is accurate, up to date and complete. WaterNSW will take steps to ensure that information collected is not unreasonably intrusive on a person's personal affairs.
- If information is collected over the telephone or in person, care will be taken to ensure only relevant Personal Information and/or Health Information is collected. If a person provides information beyond that which is necessary, a record should not be taken of any information that is not necessary to provide the service or perform the function.
- Any surveys (including free text surveys) conducted by WaterNSW should, where possible and where the purpose of the survey will not be affected, enable responses to be anonymous.

- If WaterNSW wishes to collect customer or community information for inclusion in marketing material, such as photographs or visual recordings of roadshows or other events hosted or attended by WaterNSW, express written consent should be sought from all participants prior to the collection of that information. Where express consent is not possible due to the nature of the roadshow or event and the number of participants; signage must be erected at the event, advising that photographs, or visual recordings may be taken, and will be used for the purpose of WaterNSW's functions, including marketing, such that WaterNSW is satisfied that implied consent has been obtained.

4.1.2 Information about Employees

WaterNSW collects Personal and/or Health Information from its Employees, and persons either seeking employment, during employment and when leaving employment with WaterNSW.

Information is collected for various reasons, such as leave management, unplanned absences, compliance with workplace health and safety obligations, employee welfare and wellbeing purposes, Australian Tax Law, and to help WaterNSW operate its services with transparency and integrity. Certain Health Information is also collected from time to time in order to manage the work, health and safety needs of Employees.

The following practices apply in respect to the collection of Personal and/or Health Information of Employees, and individuals seeking employment with, or leaving the employment of, WaterNSW:

- WaterNSW will only collect Personal Information and Health Information that is directly related to and reasonably necessary for the purpose for which it is collected. WaterNSW does not use unique identifiers (something an organisation assigns to a person in order to uniquely identify that person) for health information, as they are not needed to carry out WaterNSW functions.
- The types of information collected by WaterNSW in relation to Employees includes information necessary for income tax and superannuation, employment duties, safety and security, such as contact details, next of kin, employment history and Health Information.
- WaterNSW will not collect excessive information, and will ensure that the information collected is accurate, up to date and complete. WaterNSW will take steps to ensure that information collected is not unreasonably intrusive on a person's personal affairs.
- With the emergence of video conferencing facilities in the performance of day-to-day activities, WaterNSW may wish to record meetings, conferences and training events so the information is available to Employees at a future time. A person's image or voice is Personal Information and the recording of that information over a video conferencing facility is a collection of Personal Information. If WaterNSW intends to record a video conference, Employees must include in the invitation an express note that the meeting, conference or training session is being recorded prior to the recording taking place. At the beginning of the meeting, conference or training session, participants should be reminded that the session is being recorded and invited to turn off their video and microphone should they not consent to their Personal Information being recorded.

4.1.3 Collection directly from the person

Whether it be information about a customer, member of the community or an Employee, WaterNSW must only collect Personal Information and/or Health Information directly from the person to whom the information relates, unless:

- the person is under 16 years of age, in which case the information can be provided by a parent or guardian,
- the person has authorised WaterNSW to collect the information from another person. For example, the information is collected from an agent who is managing the customer's property or accounts,
- WaterNSW is authorised by law to collect information from someone else. This may include collecting information from service providers, regulators or other government agencies, or
- In respect of Health Information only, where it would be unreasonable or impracticable to collect Health Information from the person whom the information is about.

Where a customer authorises WaterNSW to collect their information from a third party, WaterNSW must have and retain a record of the customer's authorisation which clearly sets out the scope and time period of that authorisation (for example, whether the third party is authorised to deal with all matters related to the customer's account or limited to a specific issue such as billing or connection issues).

WaterNSW will ensure that when collecting information, it has appropriate ID verification processes in place, and that a record of the ID verification undertaken is kept.

4.1.4 Notification about the collection

When information is collected, WaterNSW must take reasonable steps to tell the individual to whom the information relates:

- that the information is being collected;
- the purposes for which the information is being collected;
- the intended recipients of the information, including the persons or type of persons (if any) to whom WaterNSW would usually disclose the information;
- what WaterNSW will use the information for (see below Part 7);
- whether the supply of information by the individual is a legal requirement or voluntary, and any consequences if the information is not provided (if any);
- whether, and in what circumstances the information may be disclosed and to whom (see below Part 8);
- how the individual can access and correct their information; and
- contact details for WaterNSW as the organisation that is collecting and will hold the information.

WaterNSW assesses the notification requirements on a case-by-case basis to ensure they are reasonable having regard to the circumstances and the information being collected. Notification may be made in a number of ways including by way of a collection notice, on [WaterNSW's website](#), by audio recording or in person. Collection notices may also be included in the form the customer or Employee is asked to complete

or in the form of an electronic acknowledgement which a person must agree to before they provide their information.

If notification cannot be made prior to collection of the information, it will be made as soon as practicable afterwards.

4.2 Privacy Principle 2 – Storage and security

WaterNSW takes reasonable security safeguards to protect Personal and Health Information from loss, unauthorised access, use, modification or disclosure, and against all other misuse. WaterNSW will ensure that Personal and Health Information is stored securely, not kept longer than necessary and disposed of appropriately.

Where it is necessary for Personal and Health Information to be transferred to a third party in connection with the provision of a service to WaterNSW, WaterNSW will take reasonable steps to prevent unauthorised use and disclosure of that information.

WaterNSW stores Personal and Health Information in a variety of ways including:

- on WaterNSW's databases;
- on iCloud storage;
- by third parties engaged to perform services in relation to WaterNSW's core functions; and
- in hard copy in physical office locations.

WaterNSW implements and maintains reasonable security measures to protect and secure Personal and Health Information from unauthorised access, use and disclosure. This includes measures around technical, physical and administrative controls. Examples of WaterNSW security measures include, but are not limited to:

1. Access to information (stored both electronically and in hard copy) is limited to those who have a legitimate 'need-to-know' basis and who require the information to undertake their professional duties.
2. WaterNSW practices a 'clean desk' approach, which means hard copy case files are secured at the end of the day or when not in use.
3. Electronic records must be stored securely in accordance with the WaterNSW information security policies and procedures.
4. Hard copy files are mainly located in WaterNSW offices. WaterNSW Employees have key card access to the office. Visitors cannot enter without permission. The WaterNSW office is locked outside of business hours. Care must be taken when Personal and Health Information is taken off site to ensure information is stored securely.
5. Older hard copy files are archived in a secure storage facility in compliance with the *State Records Act 1998*(NSW). For sensitive documents that need to be destroyed, WaterNSW uses locked bins from which the documents are securely destroyed.

6. WaterNSW Employees have unique user accounts and passwords to access WaterNSW computer systems. In accordance with WaterNSW's information security policies and procedures, Employees must not give out passwords to anyone or let anyone else use their computer login.
7. If WaterNSW wishes to engage a contractor or third party to provide a service and this engagement will require the third party to have access to Personal Information and/or Health Information, WaterNSW will take reasonable steps to ensure the contractual terms between WaterNSW and the third party include adequate restrictions around access, use and disclosure of information, including compliance with this Plan and the Privacy Act. Any information provided to a contractor, should only be information which the contractor has a legitimate 'need-to-know' reason, and be directly relevant to the service being provided by the contractor.
8. Requiring mandatory adherence to the WaterNSW Code of Conduct, with breaches potentially leading to disciplinary action up to and including termination of employment.

Regard should also be had to the WaterNSW Information Classification and Handling Standards March 2022, in relation to the requirements for protecting WaterNSW data.

4.3 Privacy Principle 3 – Access and amendment

A person is entitled to seek reasonable access to the Personal and Health Information WaterNSW holds about them, without excessive delay or cost.

A person is also entitled to request that their information is amended, to ensure that it is accurate, relevant to the purpose for which it was collected, complete and not misleading.

WaterNSW may, acting reasonably and in accordance with the relevant legislation, decide not to amend information. In those circumstances however WaterNSW will, if requested by the individual to whom the information relates, take such steps as are reasonable to attach to the information, any statement provided by that individual of the amendment sought.

4.3.1 Customer information

Customers may amend their details through the methods set out on WaterNSW's [Manage your details](#) page or contact the Customer Service Centre on 1300 662 077.

Formal requests for access to information should be directed in writing to the Privacy Contact Officer (contact details at section 9).

4.3.2 Employee information

Most records held about an Employee are on their Personnel File which is managed by the People & Culture team. To access their file, current Employees can contact P&C Connect.

Where an Employee seeks only to view their personal and/or health information, the P&C Connect team will coordinate with the Employee to schedule a Teams appointment to show the Employee the documentation.

Former Employees will need to submit a request for access to or amendment of their information to the Privacy Contact Officer. The request will be referred to the People & Culture team, who may require ID verification before the personal information can be provided.

4.4 Privacy Principle 4 – Use

Use refers to those occasions where WaterNSW uses the Personal Information and Health Information it holds for the performance of its functions, to provide services, and to manage its Employees.

The following practices apply in relation to the use of Personal and/or Health Information:

1. WaterNSW should take reasonable steps to ensure information is accurate, up to date and complete before using it. For example, WaterNSW should check contact details directly with a person to make sure the information is correct and ask people to spell their names where necessary prior to sending correspondence to a customer. Customers should be given the option of changing their contact information from time to time to make sure that it is accurate and up to date. WaterNSW provides a 'Manage your details' online form to allow its customers to proactively amend and update their contact details. Information should only be used for the primary purpose for which it was collected (**Primary Purpose**). For example, if a customer provided their information to WaterNSW in order to obtain a specific service, this is the Primary Purpose for which the information was collected.
2. Personal Information may, in the following limited circumstances be used for a different purpose (**Secondary Purpose**), such as offering the customer a different service or adding them to a mailing list where:
 - a. a person has given their consent for their information to be used for a Secondary Purpose, or
 - b. the Secondary Purpose is directly related to the Primary Purpose, or
 - c. the use of the information for the Secondary Purpose is reasonably 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, or
 - d. where otherwise required by law.
3. Whether a Secondary Purpose is directly related to the Primary Purpose requires a careful analysis of the specific circumstances of the collection, what the customer or Employee was told at the time of collection, and any other relevant policies.
4. The use of Health Information is limited to those circumstances authorised by Schedule 1 clause 10 of the HRIP Act as in force and amended from time to time.
5. Advice should be sought from the Privacy Contact Officer prior to using information for a Secondary Purpose.

Additional information about WaterNSW's use of personal information may also be set out on the [Privacy page](#) of our website.

4.5 Privacy Principle 4 – Disclosure

Disclosure typically refers to occasions where WaterNSW releases information to a third party.

The following practices apply in relation to the disclosure of Personal and/or Health Information:

1. WaterNSW will not disclose Personal Information unless:

- a. we have the consent of the individual concerned, or
 - b. the individual was made aware or was reasonably likely to have been aware at the time WaterNSW collected their information, that WaterNSW would disclose their information to another person or body (i.e. a privacy collection notice on a form, or our privacy section of our website, has told you how the information will be disclosed), or
 - c. the disclosure is directly related to the Primary and/or Secondary Purpose for which the information was collected, and WaterNSW has no reason to believe that the individual concerned would object to the disclosure, or
 - d. WaterNSW 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, or
 - e. where the disclosure is required by law, for example in response to a subpoena, warrant or notice to produce, or
 - f. where the disclosure is to another public agency or regulator for the purpose of that agency or regulator carrying out its lawful functions, e.g. pursuant to functions set out in the Roles & Responsibilities Agreement between NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) and the Natural Resources Access Regulator (NRAR).. WaterNSW also has specific data sharing agreements in place with some agencies such as NRAR and the NSW DCCEEW; or
 - g. where the disclosure is to third parties engaged by WaterNSW to assist us to provide services and exercise our functions.
2. In the limited circumstances where WaterNSW holds sensitive Personal Information, this will only be disclosed with consent or if it is necessary to prevent a serious and imminent threat to any person's health or safety, as is permitted by s.19(1) of the PPIP Act. Examples of sensitive personal information include information relating to personal attributes such as ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities.
 3. WaterNSW will not disclose Personal Information to a body or person in a jurisdiction outside New South Wales or to a Commonwealth agency except in the circumstances identified in s.19(2) of the PPIP Act.
 4. Disclosure of Health Information is limited to those circumstances authorised by Schedule 1 clause 11 of the HRIP Act as in force and amended from time to time.
 5. If WaterNSW wishes to engage a contractor or third party to provide a service and this engagement will require the third party to have access to Personal Information and/or Health Information, WaterNSW will take reasonable steps to ensure the contractual terms between WaterNSW and the third party include adequate restrictions around access, use and disclosure of information, including compliance with this Plan.
 6. Advice should be sought from the Privacy Contact Officer prior to disclosing information.

Additional information about WaterNSW's disclosure of personal information may also be set out on the [Privacy page](#) of our website.

4.6 Privacy Impact Assessments

Where WaterNSW is reviewing or implementing projects, processes and systems involving the collection, use, access, disclosure or sharing of personal or health information, Employees who manage those projects or initiatives must ensure that potential privacy impacts are considered. A Privacy Impact Assessment (PIA) may be required to assess any actual or potential effects on personal information that may be caused by the activity, project or proposal.

A PIA should be considered where:

- Personal information will be collected in a new way, e.g. a new digital service or platform;
- A project will involve modifying an existing program to change the way personal information will be handled;
- The project will involve a significant amount of personal information, or personal information which is sensitive in nature (e.g. financial information, information about religious beliefs, trade union membership, ethnic or racial origin etc.).

A PIA should be undertaken early enough in the development of a project that it is still possible to implement changes in the project design or to reassess the project if it will involve significant negative privacy impacts. The PIA should also consider end to end impacts of the changes on business processes and the implications for personal information.

The WaterNSW PIA Template is available to WaterNSW staff via the [Privacy page](#) on the Source, or from within ARK (Record number [CD2025/51](#)).

5. Exemptions & public registers

5.1 Exemptions

Under the PPIP Act there are certain exemptions under which agencies may not be required to comply with the Privacy Principles in certain situations. Some of the exemptions which may apply to WaterNSW in particular circumstances include:

- Where the individual has expressly consented to non-compliance with particular provisions in relation to their personal information (e.g. where a customer has authorised a third party to act on their behalf).
- Exchanges of personal information with the relevant Minister, Members of Parliament or other agencies in order to respond to or refer a member of the public's enquiry.
- Where information is disclosed to a law enforcement agency for law enforcement purposes, or to an investigative agency for the purpose of the agency carrying out its investigative functions (e.g. in response to a subpoena, warrant or statutory notice to produce).
- Where another law authorises or requires us not to comply, or non-compliance is otherwise permitted, implied or contemplated by another law (e.g. where use or disclosure of personal information is necessary for WaterNSW to comply with its duties under work health and safety legislation).

The NSW Privacy Commissioner may also make public interest directions or privacy codes of practice, which exempt an agency from complying with one or more personal information or health privacy principles, and/or modify their application. There are no current Directions or Codes of Practice that impact on WaterNSW.

5.2 Public Registers

Consistent with its obligations under the *Water Management Act 2000 (NSW)*, WaterNSW maintains the NSW Water Register which provides public access to information about water licences, approvals, water trading and dealings, and other matters related to water entitlements in NSW. Information displayed on the register does not include personal or health information.

6. Data breaches

A data breach occurs where there has been, or there is likely to be, unauthorised access or an unauthorised disclosure of information held by WaterNSW. Separately to this Privacy Management Plan, WaterNSW has a Data Breach Policy setting out the relevant processes and procedures for managing data breaches. This includes the assessment and notification requirements for the Mandatory Notification of Data Breach Scheme under the PPIP Act. Employees should consult the Data Breach Policy in circumstances where they believe a data breach has occurred. The Data Breach Policy is available on the WaterNSW [public website](#) and on the WaterNSW intranet.

7. Training & awareness

Ongoing training and awareness sessions will be conducted by WaterNSW to ensure the practices set out in this Plan are being implemented.

8. Offences

The PPIP Act and HRIP Act contain criminal offences which are applicable to employees and contractors who use or disclose personal information or health information without authority. It is an offence to:

- Intentionally use or disclose personal information or health information for an unauthorised purpose;
- Offer to supply personal information or health information that has been disclosed unlawfully;
- Obstruct, hinder, resist or refuse to comply with the Privacy Commissioner or a member of their staff.

9. Your privacy rights

WaterNSW welcomes the opportunity to discuss any privacy queries or issues you may have. WaterNSW encourages individuals to contact WaterNSW directly to try to resolve privacy issues informally before lodging an internal review as set out below.

All queries and concerns relating to privacy at WaterNSW can be addressed to:

Email: privacy@waternsw.com.au

Phone: 02 9865 2457

Mail: Privacy Contact Officer

WaterNSW

PO Box 398

Parramatta NSW 2124

9.1 Internal review rights

You have the right to seek an internal review under the PPIP Act if you believe WaterNSW has breached the PPIP Act or HRIP Act in relation to your Personal Information or Health Information. An internal review can only be sought in relation to a breach of another person's privacy by an authorised representative of that person.

Internal review applications must be made in writing and within 6 months of when you became aware of the conduct the subject of your complaint.

WaterNSW will conduct the internal review in accordance with this Plan. WaterNSW must notify the Privacy Commissioner that an internal review is being conducted, as well as the review's findings and any proposed actions. The Privacy Commissioner is entitled to make submissions to WaterNSW in relation to their views on the matter.

WaterNSW aims to acknowledge receipt of an application for internal review within 5 working days, and to complete the review with 60 calendar days.

9.2 External review rights and complaints

If you are unhappy with the outcome of the internal review, or do not receive an outcome within 60 days, you have the right to seek an external review by the NSW Civil and Administrative Tribunal (NCAT). To do so, you must apply directly to NCAT within 28 calendar days of the internal review decision.

Individuals may also make a complaint about WaterNSW's handling of personal information to the [NSW Information and Privacy Commission](#) (NSW IPC).

Contact details for these external bodies are as below:

- **NCAT**
1300 006 228
<https://ncat.nsw.gov.au/about-ncat/contact-us.html>
- **NSW IPC**
1800 472 679
<https://www.ipc.nsw.gov.au/about-us/contact-us>

9.3 Public interest disclosures

Under the *Public Interest Disclosures Act 2022*(NSW), a public official has a right to make a public interest disclosure about alleged serious wrongdoing. Serious wrongdoing may include a privacy contravention (meaning a non-trivial failure by an agency or public official to exercise functions in accordance with the PPIP Act or HRIP Act). For more information see WaterNSW's Public Interest Disclosures Policy.

10. Linked legislation

10.1 *Privacy Act 1988*(Cth)

WaterNSW is a 'file number recipient' for the purposes of the *Privacy Act 1988*(Cth)(**Privacy Act**) because it holds records of Employees that contain tax file number information. As such, WaterNSW must comply with any rules relating to tax file number information issued under section 17 of the Privacy Act by the Australian Information Commissioner, such as Privacy (Tax File Number) Rule 2015. For more information please refer to the website of the Office of the Australian Information Commissioner: www.oaic.gov.au

10.2 *Government Information (Public Access) Act 2009*(NSW)

The *Government Information (Public Access) Act 2009*(NSW)(**GIPA Act**) provides a mechanism to access government information. This information may include personal information and/or health information.

If information sought under a GIPA application includes the personal information of another person, WaterNSW will take steps to consult with the individuals who may have concerns regarding disclosure of their personal information. The GIPA Act may allow personal information to be provided to others, but only if the public interest considerations in favour of disclosure outweigh the public interest considerations

against disclosure. For more information please refer to the website of the Information and Privacy Commission: www.ipc.nsw.gov.au.

10.3 State Records Act 1998(NSW)

WaterNSW is required to comply with the *State Records Act 1998*(NSW) and the associated Standard on Records Management issued by State Records NSW. Those requirements provide overall guidance on the practical requirements for effective records and information management including retention periods and disposal of records and should be considered in conjunction with the NSW Privacy Laws.

11. Authorities and responsibilities

| Role | Responsibility |
|---|---|
| WaterNSW Board | Has the authority and responsibility to: <ul style="list-style-type: none"> • Maintain an awareness and understanding of this Plan. • Monitor and evaluate privacy risk management activities within WaterNSW, via the Board Committee on Audit & Risk. |
| Chief Executive Officer, Executive Managers, and Direct Reports to Executive Managers | Have the authority and responsibility to: <ul style="list-style-type: none"> • Endorse and promote this Plan, including through ensuring that Employees have access to appropriate training and resources. • Support their managers in establishing controls and processes within their respective areas to meet the obligations of this Plan. • On an annual basis confirm with their respective management teams that the control and processes are operating appropriately. • Identify any privacy related issues, and areas for improvement in respect of privacy related issues. • Provide support and resources for remedying any privacy related issues. • Ensure the Privacy Principles and the practices set out in this Plan are implemented within work practices and procedures. • Ensure Privacy Impact Assessment (PIA) processes are understood and considered by their respective portfolios. • Ensure ongoing updates are made to WaterNSW's Personal Information Register (PI Register) as relevant to portfolio. |
| Specific practices in this Plan – Executive Managers | <ul style="list-style-type: none"> • The Executive Manager, Safety, People and Culture is primarily responsible for implementing the practices in this Plan in respect of Personal and Health Information of Employees. |

| | |
|--|--|
| | <ul style="list-style-type: none"> • The Executive Manager, Customer Service is primarily responsible for implementing the practices in this Plan in respect of Personal and Health Information of Customers. • The Executive Manager, Digital is primarily responsible for implementing the practices in this Plan in respect of Privacy Principle 2 – Storage and Security. • The Executive Manager, Finance, Legal and Risk is primarily responsible for ensuring that WaterNSW’s contractual arrangements with suppliers incorporate, where appropriate, the practices in this Plan, and for reviewing and endorsing privacy risk and compliance reporting to the Board Committee on Audit and Risk |
| <p>Legal Workplace & Governance Manager, Legal Counsel Compliance & Information Access</p> | <p>Have the authority and responsibility to:</p> <ul style="list-style-type: none"> • Develop, implement and maintain privacy policies and procedures, including this Plan. • Make a copy of this Plan available on WaterNSW’s website, and to all Employees. • Train and educate Employees (with the assistance of the Safety, People & Culture team) in relation to the PPIP Act, the HRIP Act, and this Plan. • Provide advice on privacy, and the application of the Plan to WaterNSW’s practices, procedures and functions. • Participate in the development and implementation of new projects and initiatives to ensure the Plan is considered at inception, and in design. • Provide guidance and support to the business as needed on the Privacy Impact Assessment (PIA) process. • Conduct internal reviews under Part 5 of the PPIP Act. • Liaise with the NSW Information and Privacy Commission and other government agencies as required. |
| <p>Privacy Contact Officer</p> | <p>Has the authority and responsibility to:</p> <ul style="list-style-type: none"> • Handle all privacy related complaints and enquiries from members of the public. • Triage internal reviews under Part 5 of the PPIP Act. • Assist to train and educate Employees (with the assistance of the Safety, People & Culture Team) in relation to the PPIP Act, the HRIP Act, and this Plan. • Liaise with the NSW Information and Privacy Commission and other government agencies as required. |
| <p>Managers</p> | <p>Have the authority and responsibility to:</p> |

| | |
|-----------|---|
| | <ul style="list-style-type: none"> • Maintain an awareness and understanding of this Plan and promote knowledge of such within their team. • Establish controls and processes within their respective areas to meet the obligations of this Plan. • On a regular basis confirm for their respective functions the established controls and processes are operating appropriately. • Act on any areas of weakness in complying with the Plan by notifying and liaising with the Privacy Contact Officer. • Ensure their team members are aware of the policies and procedures at WaterNSW that support the Plan, including how and to whom they should report privacy concerns. |
| Employees | <p>Have the authority and responsibility to:</p> <ul style="list-style-type: none"> • Maintain an awareness and understanding of this Plan. • Comply with this Plan. • Ensure that the Privacy Principles and the practices set out in this Plan are implemented within work practices and procedures. |

12. Definitions

Employee means, for the purposes of this Plan, any person working as a direct employee of WaterNSW whether in a casual, term or permanent capacity or in the capacity of board or committee member or in the capacity of a contractor (e.g. a third party contractor, contingent labour, consultant, work experience).

Health Information means Personal Information that is 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 his or her health services or a health service provided or to be provided to a person, see section 6 of the *Health Records and Information Protection Act 2002* (NSW).

Health Privacy Principles means the principles set out in Schedule 1 of the HRIP Act.

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

Information Protection Principles means the principles set out in Division 1 of Part 2 of the PPIP Act.

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, including such things as name, email address, mobile phone number or residential address. Health Information is excluded from the definition of Personal Information, except for the purposes of the MNDB Scheme. Other exclusions from Personal Information are also set out in section 4(3) of the PPIP Act.

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

Privacy Principles means the Information Protection Principles and the Health Privacy Principles.