



GENERAL MANAGER'S REPORT

13th March 2007

GM4	DISCLOSURE OF PERSONAL INFORMATION
FILE: 117	AVB {Folio No. *}

SUMMARY:

To advise Council of the reply from Privacy NSW regarding the disclosure of personal information relating to Councillors and staff.

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DESCRIPTION:

Council sought information from Privacy NSW regarding the disclosure of Councillor and staff names when reporting on conference attendance. A copy of the reply from Privacy NSW is attached [Appendix B – Page K24](#)

The following points have been raised by Privacy NSW: -

“Without the consent of the individual to whom the information belongs, or one of the exemptions provided for by the Act, any related Codes of Practice or Section 41 directions, disclosure of personal information to a third party, would be in breach of the PPIP Act.”

“Section 12 (1) of the LGA provides for public access to a variety of Council documents – It does not however prescribe the content of those documents, and Council may need to consider whether the revelation of personal information is relevant and justified within the circumstances.”

“It may be possible to construe the attendance of staff at conferences and seminars as personnel matters which would be protected under the PPIP Act.”

“The disclosure of personal information held (under FOI) which does not belong to the individual making the request for access would then need to be considered under the personal affairs exemption in that (FOI) Act. This involves consideration as to whether the disclosure is reasonable and in the public interest of all parties taking into consideration the potential for harassment and reprisals. Furthermore in considering the personal affairs exemption, consultation with the owner of the information is required.”

The last statement is of particular relevance as personal information obtained in the past has been used to harass individuals.

As Privacy NSW notes it is up to Council to receive its own legal advice.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *General Manager's Review*

Nil

RECOMMENDATION:

That Council continue not to identify personnel attending conferences unless those personnel authorise release of the information.

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A V Burgess
GENERAL MANAGER