

## **Privacy and Information Management Plan**

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## What this Plan covers

It explains the information held by the Ombudsman's Office (**Office**), and our obligations concerning

- A collection
- B storage
- C use, and
- D disclosure

of that information. Those obligations are contained in the *Ombudsman Act 1974* (**OA**), *Community Services (Complaints, Reviews and Monitoring) Act 1993* (**CS CRAMA**), *Privacy and Personal Information Protection Act 1998* (**PPIPA**) and *Health Records and Information Privacy Act 2002* (**HRIPA**).

The Plan also explains when and how we may give someone access to information and how we handle requests for information and complaints about how we handle information.

It **does not** cover our:

[Public Interest Disclosures Act 2022](#) obligations – see our [Public Interest Disclosure Policy](#)

[State Records Act 1998](#) obligations, which are contained in that legislation and regulated by [NSW State Archives and Records](#)

Intellectual property obligations under [Copyright Act 1968 \(Cth\)](#)

OA [Part 6](#) arrangements with other agencies – these are published on our website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## Who this Plan applies to

It applies to all statutory officers and staff of the Office, including:

- ongoing and temporary employees, and employees seconded to the Office
- contract or agency staff or interns and volunteers working for or on behalf of the Office, and
- contractors and consultants whose contracts with the Office require compliance with the Plan.

## Information held by the Office

We use the following categories when describing the information we hold. Some of these categories overlap, meaning some information may fall into more than one category.

- 1 **Public information** – this is information that is generally available to the public, including information we have published, typically by making a report to Parliament or otherwise on our website. Information we have published is freely available at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).
- 2 **Personal information** is information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Information is not personal information if it is information contained in publicly available publications and health information. There are other exceptions to the definition of personal information.<sup>1</sup>

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<sup>1</sup> See [PPIPA s 4](#) for the full list of exceptions.

- 3 **Health information** is personal information (as defined above):
- a) that is information or an opinion about an individual's physical or mental health or disability, their express wishes about the future provision of health services to them, or a health service that has or will be provided to them
  - b) collected to provide, or in providing, a health service to an individual, or
  - c) about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances.

Certain genetic information, and healthcare identifiers, are also 'health information'.<sup>2</sup>

- 4 **Ombudsman information** is information obtained or created when exercising complaint handling, investigative, monitoring or review functions under OA [Part 3](#), Part 3B or s38AA, CS CRAMA, or *Royal Commissions Act 1923* [Part 2 Div 1](#), and Child Death Review Team (**CDRT**) functions under CS CRAMA [Part 5A](#). Much of this will also be personal information or health information.
- 5 **Employee information** is information about statutory officers and staff of the Office relating to their employment. Some of this will also be personal and health information.
- 6 **Government/Parliament information** is information from or about government agencies (other than Ombudsman information) or the NSW Parliament. It is usually not personal or health information, but there may be other obligations to keep it secret or confidential (for example, it may be Cabinet in Confidence).
- 7 **Office information** is information about service providers, vendors and other entities that the Office contracts with, such as IT software providers. It is usually not personal or health information, but may be protected by contractual confidentiality.

## Information obligations

Our obligations when [collecting](#), [storing](#), [using](#) and [disclosing](#) information are set out below.

Not every obligation will apply to every information type we hold.

### Collection of information

When collecting personal and health information we act lawfully, directly and openly, in accordance with the obligations below. We also collect only relevant information.

Information provided to us when a person is making a complaint through one of our established channels (eg through our online complaint form or by phoning our complaint line) is information we are actively collecting, and therefore the collection principles above apply.

Collection obligations do not apply to 'unsolicited information'. Unsolicited information includes *additional* information a complainant might voluntarily include on the online complaint form, or tell us on the phone, that is not relevant to the complaint and has not been asked for. Our collection obligations do not apply to information we receive that we have not asked anyone to provide. This type of information is described as 'unsolicited' information.<sup>3</sup>

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<sup>2</sup> [HRIPA s 6](#).

<sup>3</sup> [PPIPA s 4\(5\)](#); [HRIPA s 10](#).

- 1 **Lawful** We collect **personal** and **health information** lawfully, and only where reasonably necessary for purposes directly related to our functions.<sup>4</sup>
- 2 **Direct** We collect **health information** directly from the person to whom it relates (unless it is unreasonable or impractical to do so) and in compliance with relevant guidelines.<sup>5</sup>
- 3 **Open** We take reasonable steps to inform those about whom we collect **health** information of:
  - a) why it is being collected, and under what law
  - b) the main consequences for them if it isn't provided
  - c) who we would usually disclose it to, and
  - d) how they can request access to it.

If it isn't practical to do this before or while collecting the information, we do it as soon as practicable afterwards.<sup>6</sup> If we collect the information from someone other than the person to whom it relates, we take reasonable steps to ensure that the person to whom the information relates is generally informed of these matters.<sup>7</sup>

*We are not required to comply with this obligation if*<sup>8</sup>

- a) it might detrimentally affect or prevent the proper exercise of our complaint handling or investigative functions
  - b) we are otherwise authorised or required not to comply with this obligation
  - c) it would pose a serious threat to the life or health of any individual.
- 4 **Relevant** When collecting **personal** and **health information**, we take reasonable steps to ensure:
  - a) we do not collect more than we need
  - b) what we collect is accurate and relevant to the purpose we are collecting it for, and
  - c) we do not unreasonably intrude into the personal affairs of the relevant person.<sup>9</sup>

*We are not required to comply with this obligation in relation to personal information if other legislation permits or requires non-compliance.*<sup>10</sup>

## Storage, access and alteration of information

When storing personal and health information and permitting access to or alteration of that information, we comply with the obligations set out below.

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<sup>4</sup> [PPIPA s 8](#); [HRIPA sch 1 cl 1](#).

<sup>5</sup> The Privacy Commissioner may issue guidelines: [HRIPA sch 1 cl 3](#).

<sup>6</sup> [HRIPA sch 1 cl4\(1\)](#).

<sup>7</sup> [HRIPA sch 1 cl4\(2\)](#).

<sup>8</sup> [HRIPA sch 1 cl4\(4\)\(a\)-\(c\), \(f\)](#).

<sup>9</sup> [PPIPA s11](#); [HRIPA sch 1 cl2](#).

<sup>10</sup> [PPIPA s25](#).

- 1 **Security** We store and dispose of **personal** and **health information** securely, and protect it against loss and unauthorised access, use, modification or disclosure.<sup>11</sup>  
*We are not required to comply with this obligation in relation to health information if other law authorises or requires us not to comply.*<sup>12</sup>
- 2 **Transparency** We are transparent about the **personal** and **health information** we store, why it is used, and the rights of people to whom it relates to access and amend it.<sup>13</sup>  
*We are not required to comply with this obligation if:*<sup>14</sup>
  - a) other law authorises or requires us not to comply with it, or
  - b) for personal information, transparency might detrimentally affect or prevent our exercise of complaint handling or investigative functions.
- 3 **Access** Individuals are allowed to access **personal** and **health information** about themselves without unreasonable delay or expense.<sup>15</sup>  
*This obligation does not apply:*<sup>16</sup>
  - a) if other law authorises or requires us not to comply, or
  - b) for **personal information**, if compliance might detrimentally affect or prevent our exercise of complaint handling or investigative functions
- 4 **Alteration** Individuals to whom **personal** and **health information** relates are allowed to update, correct, delete or amend the information where necessary and, where reasonably practicable, to have recipients of that information advised of those updates, corrections or other changes.<sup>17</sup>  
*These obligations do not apply:*<sup>18</sup>
  - a) if other law authorises or requires us not to comply, or
  - b) for personal information, if compliance might detrimentally affect or prevent our exercise of complaint handling or investigative functions

## Use of information

When using personal and health information, we comply with the obligations set out below.

- 5 **Accurate** We do not use **personal** or **health information** without taking reasonable steps to ensure it is relevant, accurate, complete and not misleading.<sup>19</sup>
- 6 **Limited** We do not use **personal** or **health information** for purposes unrelated to those for which we collected it.<sup>20</sup>

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<sup>11</sup> [PPIPA s12](#); [HRIPA sch 1 cl5](#).

<sup>12</sup> [HRIPA sch 1 cl5\(2\)](#).

<sup>13</sup> [PPIPA s13](#); [HRIPA sch 1 cl6](#).

<sup>14</sup> [PPIPA s25](#); [HRIPA sch 1 cl6\(2\)](#); [PPIPA s24\(1\)](#).

<sup>15</sup> [PPIPA s14](#); [HRIPA sch 1 cl7](#).

<sup>16</sup> [PPIPA s25](#); [HRIPA sch 1 cl7\(2\)](#); [PPIPA s24\(1\)](#).

<sup>17</sup> [PPIPA s15](#); [HRIPA sch 1 cl8](#).

<sup>18</sup> [PPIPA s25](#); [HRIPA sch 1 cl 8\(4\)](#); [PPIPA s 24\(1\)](#).

<sup>19</sup> [PPIPA s16](#); [HRIPA sch 1 cl 9](#).

<sup>20</sup> [PPIPA s17](#); [HRIPA sch 1 cl 10](#).

*This obligation does not apply:*<sup>21</sup>

- a) if the person the information is about consents to us doing this
- b) if it is reasonably necessary for us to exercise our complaint handling and investigative functions
- c) if other law authorises or requires us not to comply with it, or
- d) if we are disclosing information to another public sector agency under the Premier's or Special Minister of State's administration, for the purposes of informing the Premier or Special Minister of State about a matter.

## Disclosure of information

Set out below are the circumstances in which we are required or permitted to disclose information (other than disclosures involved in the making of reports as part of our statutory functions). Information is only 'disclosed' when it is given to someone who did not previously have the information.<sup>22</sup>

Apart from the disclosure restrictions set out below, we also have restrictions on disclosing *identifying information*. This is dealt with separately below under Disclosure of identifying information.

### Circumstances where we must disclose information

- 7 The Ombudsman has a personal duty to disclose **any information** they become aware of to the NSW Independent Commission Against Corruption (ICAC) if it amounts to a matter they suspect, on reasonable grounds, concerns or may concern corrupt conduct.<sup>23</sup>
- 8 We *must* disclose to the NSW Police Force (NSWPF) or other appropriate authority **any information** if we know or believe a serious indictable offence or child abuse offence has been committed and the information may be of material assistance in securing the offender's apprehension, prosecution or conviction.<sup>24</sup>
- 9 We *must* make **open access information** publicly available on our website unless there is an overriding public interest against its disclosure.<sup>25</sup>
- 10 We must comply with the GIPA Act when responding to valid access applications made under that Act (see [GIPA Act applications](#) below).

### Circumstances where we may disclose information<sup>26</sup>

- 11 We *may* disclose **Ombudsman information** obtained from a public authority with the consent of the head of the authority or responsible Minister.<sup>27</sup>
- 12 We *may* disclose **Ombudsman information** obtained from an individual if they consent.<sup>28</sup>

<sup>21</sup> [PPIPA s24\(2\)](#); [HRIPA sch 1 cl10\(3\)](#); [PPIPA s25](#); [HRIPA sch 1 cl10\(2\)](#); [PPIPA s28\(3\)](#); [HRIPA sch 1 cl10\(4\)](#).

<sup>22</sup> *R v Ritson* [2010] NSWDC 160 at [51]; *Foster v Federal Commissioner of Taxation* (1951) 82 CLR 606 at [614]-[615].

<sup>23</sup> [Independent Commission Against Corruption Act 1988 s11](#).

<sup>24</sup> [Crimes Act 1900 ss316, 316A](#).

<sup>25</sup> [GIPA Act s6](#). 'Open access information' is defined in [Part 3](#) of the GIPA Act.

<sup>26</sup> PPIPA s25 provides that a public sector agency is not required to comply with PPIPA if non-compliance is permitted under an Act or any other law.

<sup>27</sup> [OA s34\(1\)\(a\)](#).

<sup>28</sup> [OA s34\(1\)\(b\)](#).

- 13 We *may* disclose **Ombudsman information** to someone if we reasonably believe (a) there's a risk of harm to anyone (including self-harm), and (b) disclosure to that person is necessary to prevent or lessen the likelihood of that harm.<sup>29</sup>
- 14 We *may* disclose **Ombudsman information** relating to the safety, welfare or wellbeing of a child, young person or class of children or young persons to Police, the Department of Communities and Justice (**DCJ**) or another appropriate public authority **Ombudsman information**.<sup>30</sup>
- 15 We *may* disclose to a prescribed body any information relating to the safety/welfare/well-being of a child, young person or class of children or young persons if we reasonably believe it would assist them (a) make any decision, assessment or plan, initiate or conduct any investigation, or provide any service relating to their safety/welfare/well-being, or (b) manage any risk to them in their capacity as an employer or designated agency.<sup>31</sup>
- 16 We *may* disclose **Ombudsman information** that relates or may relate to a breach of a law to NSW Police, the police of another State or Territory, Australian Federal Police, or another body responsible for enforcement the laws of NSW, the Commonwealth or a State or Territory.<sup>32</sup>
- 17 Individual members of the Office *may* disclose **Ombudsman information** to a registered medical practitioner or registered psychologist providing them with care, treatment or counselling.<sup>33</sup>
- 18 We *may* disclose **Ombudsman information** obtained in discharging functions under any Act to the Director of Public Prosecutions (**DPP**) or ICAC, but only if the information otherwise be disclosed under the Ombudsman Act and only if the DPP or ICAC would not be prevented from obtaining the information under any other legislation.<sup>34</sup>
- 19 We *may* disclose to a public authority **Ombudsman information** obtained in discharging functions under the Ombudsman Act with respect to a complaint against or relating to that public authority.<sup>35</sup>
- 20 We *may* disclose to any public authority **Ombudsman information** obtained in discharging functions under the Ombudsman Act with respect to a complaint against or relating to any other public authority if we are satisfied the information is relevant to the functions, policies, procedures or practices of the first public authority, and the information does not include any personal information or health information.<sup>36</sup>
- 21 We *may* disclose **Ombudsman information** relating to our CS CRAMA Part 6 functions to:

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<sup>29</sup> [OA s34\(1\)\(d\).](#)

<sup>30</sup> [OA s34\(1\)\(c\).](#)

<sup>31</sup> [Children and Young Persons \(Care and Protection\) Act 1998 Chapter 16A.](#)

<sup>32</sup> [OA s34\(1\)\(l\).](#)

<sup>33</sup> [OA s34\(1\)\(k\).](#)

<sup>34</sup> [OA s31AB.](#)

<sup>35</sup> [OA s31AC\(1\).](#)

<sup>36</sup> [OA s31AC\(2\).](#)



- a) the Children’s Guardian, Advocate for Children and Young People, CDRT, public authority or service provider if we consider it appropriate and the proposed recipient has a relevant interest in the material<sup>37</sup>
  - b) to another public sector agency if we consider it appropriate to facilitate research undertaken to help prevent or reduce the likelihood of reviewable deaths in NSW.<sup>38</sup>
- 22 We *may* disclose **Ombudsman information** obtained in connection with CDRT functions under CS CRAMA Part 5A:<sup>39</sup>
- a) in connection with research undertaken to help prevent or reduce the likelihood of deaths of children in NSW
  - b) to the Commissioner of Police in connection with a possible criminal offence
  - c) to the DCJ Secretary, if reporting that a child or class of children may be at risk
  - d) to the State Coroner if the material may relate to a death that is within the Coroner’s jurisdiction, whether or not it has been the subject of an inquest
  - e) to the Domestic Violence Death Review Team in connection with its functions
  - f) to the Ombudsman, concerning the death of a child that is relevant to the exercise of any Ombudsman function
  - g) to the Health Care Complaints Commission, in connection with its functions.
- 23 We *may* disclose **Ombudsman information** to:
- a) a Commission appointed under the *Royal Commissions Act 1923* or an inquiry set up under the *Special Commissions of Inquiry Act 1983*,<sup>40</sup> or
  - b) a person exercising functions under the law of another State, the Commonwealth or a Territory, which are similar to the functions of exercised by the Ombudsman if the Ombudsman is of the opinion that the disclosure is appropriate.<sup>41</sup>
- 24 We *may* disclose information about an Ombudsman decision under section 13, 13AA, 13A or 15, including the commencement, progress, discontinuance or conclusion of an investigation.<sup>42</sup>
- 25 We *may* disclose information in order to correct a public record about an Ombudsman investigation or the exercise of another Ombudsman function.<sup>43</sup>

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<sup>37</sup> [CS CRAMA s39\(1\)](#).

<sup>38</sup> [CS CRAMA s39\(2\)](#), (3). However, the information can only be provided to an entity that is not a public sector agency if it agrees to deal with the information in accordance with PPIPA ss 12, 17, 18 and 19 as if they were a public sector agency.

<sup>39</sup> [CS CRAMA s34L\(1\)](#).

<sup>40</sup> [OA s34\(1\)\(m\)](#), (n).

<sup>41</sup> [OA s34\(2\)\(a\)](#).

<sup>42</sup> [OA s34\(2\)\(b\)](#).

<sup>43</sup> [OA s34\(2\)\(c\)](#).

## Disclosure of identifying information

In addition to restrictions on disclosing information obtained in the course of exercising our functions, we must also protect information tending to disclose the identity of certain individuals who complain to, interact with or assist our office.<sup>44</sup>

This information is referred to as 'identifying information'.

The following individuals and entities are entitled to have their 'identifying information' protected from disclosure:<sup>45</sup>

- a) someone who complains or discloses information to the Ombudsman about a matter that concerns or may concern serious maladministration, or another matter the Ombudsman may deal with under the Ombudsman Act
- b) someone who voluntarily appears as a witness before the Ombudsman
- c) someone who voluntarily discloses information to the Ombudsman in relation to a matter to which Part 3B (Aboriginal programs) applies
- d) someone who voluntarily discloses information to the Ombudsman in relation to a CS CRAMA matter, or
- e) someone who voluntarily assists the Ombudsman in some other way.

We are only permitted to disclose 'identifying information' about a person or entity in one or more of the following circumstances:

- a) the person consents in writing
- b) it is generally known that the person has done one of the things described above because of their voluntary self-identification
- c) the Ombudsman reasonably considers, after consulting with the person, that it is necessary to protect a person from detriment
- d) it is necessary to disclose the information to a person whose interests are affected by relevant protected action
- e) the information has previously been lawfully published
- f) it is disclosed to a medical practitioner or psychologist for the purpose of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- g) it is disclosed for the purposes of proceedings before a court or tribunal
- h) it is necessary to effectively investigate or deal with a complaint or disclosure of information under the Ombudsman Act
- i) the person is only a protected person because they complied with an obligation under ss 13AA(3), 18 or 19 of the Ombudsman Act, or
- j) it is otherwise in the public interest to disclose the information.<sup>46</sup>

## Requests - access or amendment of personal or health information

PPIPA and HRIPIA permit individuals to access and amend their own personal or health information in certain circumstances: see '[Storage, access and alteration of information](#)' above. But because we are an

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<sup>44</sup> [OA s31Z\(1\)](#).

<sup>45</sup> [OA s31L](#) (definitions of 'protected action', 'protected obligation' and 'protected person').

<sup>46</sup> [OA s31Z](#).

investigative agency, there are circumstances where we are not required, or are not permitted, to provide access or make amendments.

#### **How to request access or an amendment**

Anyone wanting to access or amend their own **personal** or **health information**, or that of someone on whose behalf they are authorised to act, should communicate with the Office contact they have been dealing with or email [legal@ombo.nsw.gov.au](mailto:legal@ombo.nsw.gov.au).

Where the request is oral, it will need to be put in writing so we are clear about what is sought. We will also require some form of identification and/or authorisation to ensure the individual making the request has authority to do so.

We will advise, as soon as reasonably practical, whether access or amendment is permitted. If the person who made the request thinks we are taking an unreasonable time to respond they have the right to seek an internal review. However, before seeking an internal review, we encourage them to contact us to ask for an update on their request.

If we are not permitted to provide access to, or amend, personal or health information we will explain why.

Decisions we make about these requests may be the subject of internal or external review (see 'Internal and external reviews').

## **Complaints - our compliance with information obligations**

If you believe we have not complied with our information obligations, you can complain to us. If your complaint relates to our PPIPA or HRIPA obligations, you may either complain to our Office<sup>47</sup> or to the Privacy Commissioner.<sup>48</sup> See 'Internal and external reviews'.

#### **How to complain to our Office**

Anyone with a complaint about our compliance with information obligations should advise the Office contact they have been dealing with or by emailing [legal@ombo.nsw.gov.au](mailto:legal@ombo.nsw.gov.au).

Ordinarily, a complaint should be made within 6 months of any alleged non-compliance, although the Ombudsman may, depending on the circumstances, permit complaints to be made outside that time.

Complaints must be made in writing. We may also require some form of identification and/or authorisation, and additional information, in order to progress the complaint.

We must notify the Privacy Commissioner of any complaints we receive that relate to PPIPA or HRIPA obligations, and to meet the other requirements under PPIPA s 54.

We attempt to investigate these complaints as soon as reasonably possible, and in any event within 60 days of receiving a complaint.

If we are unable to complete an investigation within this time, a complainant whose complaint relates to our PPIPA or HRIPA obligations may apply for administrative review by the NSW Civil and Administrative Tribunal (NCAT): [PPIPA s 53](#).

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<sup>47</sup> [PPIPA s53](#).

<sup>48</sup> [PPIPA s45](#).

Once we have completed our investigation, we will advise you within 14 days of our finding, any action we plan to take, and your review options.

Where the complaint relates to our obligations under PPIPA or HRIPA, a complainant who is not satisfied with a finding made after an internal review can seek external review by NCAT (see 'Internal and external reviews').

## GIPA Act applications

We are required to comply with the GIPA Act. However, a significant amount of information we hold is excluded from the scope of that Act.

[Section 43](#) of the GIPA Act provides that applications for access to an agency's 'excluded information' are invalid. 'Excluded information' is defined to include information relating to the Ombudsman's '*complaint handling, investigative and reporting functions*', including Ombudsman functions under CS CRAMA: [GIPA Act Schedule 2 item 2](#).

However, applications may be made for access to information held by the Ombudsman that is not 'excluded information'.

### How to make a GIPA application

Anyone wanting to apply under the GIPA Act for access to information that is not 'excluded information' should email [legal@ombo.nsw.gov.au](mailto:legal@ombo.nsw.gov.au) or contact the Office using [these contact details](#).

GIPA applications are handled by our Legal Unit. If an applicant is dissatisfied with the determination of their GIPA application by the Legal Unit, they may seek internal review of their application. Internal reviews are conducted either by the Ombudsman or a statutory officer.

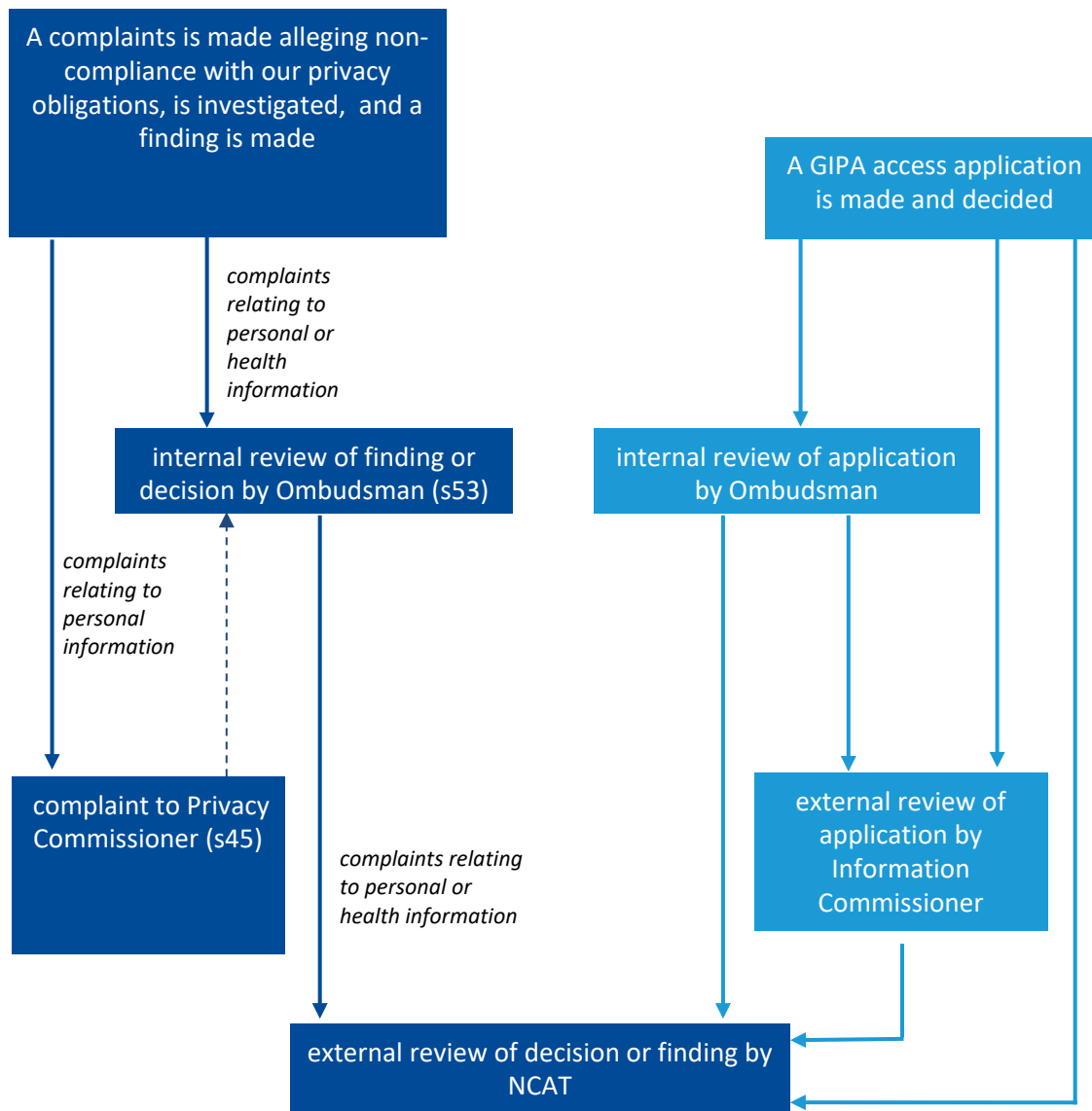
Decisions made about GIPA applications may be reviewed externally by the Information Commissioner and/or NCAT (see '**Internal and external reviews**').

## Internal and external reviews

This diagram outlines the internal and external review options available following:

- requests to access or amend personal or health information
- complaints about our compliance with our information obligations
- GIPA Act access applications.

More detailed information about these options is provided during the complaint or request process.



## Breach of personal information disclosure obligations

Under Part 6A of the *Privacy and Personal Information Protection Act 1998* we have obligations in relation to data breaches.

These obligations apply where there is:

- unauthorised access to, or unauthorised disclosure of, personal information held by the Office and a reasonable person would conclude that that access or disclosure would be likely to result in **serious harm** to an individual to whom the information relates, or
- loss of personal information held by the Office in circumstances that are likely to result in unauthorised access to, or unauthorised disclosure of, the information and a reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates.

All actual or suspected data breaches are handled according to [Part 6A](#) of the *Privacy and Personal Information Protection Act 1998* and the Ombudsman's [Data breach policy](#).

Members of the public may report actual or suspected data breaches to [info@ombo.nsw.gov.au](mailto:info@ombo.nsw.gov.au).

## Other information

### Contacting the Information Commissioner or Privacy Commissioner

Additional information about PPIPA, HRIPA and GIPA rights and obligations is available from the NSW Information and Privacy Commission.

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Phone: 1800 472 679

Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Post: GPA Box 7011, Sydney NSW 2001

### Information about the NSW Civil and Administrative Tribunal (NCAT)

NCAT hears applications for external review of GIPA applications made to the Ombudsman, and complaints about our compliance with information obligations (but only those information obligations imposed by PPIPA or HRIPA).

Website: [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

Phone: 1300 006 228

Visit: Level 10, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

Post: PO Box K1026, Haymarket NSW 1240

### Offences under PPIPA and HRIPA

It is an offence under PPIPA and HRIPA<sup>49</sup> to do any of the following:

- intentionally disclose or use personal or health information accessed as part of our work for an unauthorised purpose
- offer to supply personal or health information that has been disclosed unlawfully
- hinder the Privacy Commissioner or a staff member from doing their job
- by threat, intimidation, or false representation require another person to give consent or to do, without consent, an act for which consent is required.

### Office awareness of this Plan and our information obligations

All staff bound by this Plan are required to ensure that they have read and understand how it applies to the work they do within the Office. Training on the Plan is conducted on a regular basis.

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<sup>49</sup> [PPIPA Part 8](#); [HRIPA Part 8](#).

Disclosures of information under the Plan can only be made by staff who have delegation from the Ombudsman to do so.

Breaches of the obligations in this Plan are reported to the Risk and Governance Unit, which keeps a register of all events relating to the Office's strategic risks. Breaches are also reported to the Executive.

Where a breach of our obligations under PPIPA or HRIPA occurs we advise any person detrimentally affected by the breach of what has happened, what we are doing to address it, and any complaint or review rights they have.

## Questions about this Plan

This is the privacy management plan we are required to have under the *Privacy and Personal Information Protection Act 1998* (PPIPA) [s 33](#).

Legal Counsel is responsible for maintaining this Plan. For any questions about the Plan or our information obligations, please contact [legal@ombo.nsw.gov.au](mailto:legal@ombo.nsw.gov.au) or contact our office using the contact details below:

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Email: [info@ombo.nsw.gov.au](mailto:info@ombo.nsw.gov.au)

Telephone Interpreter Service: 131 450 then ask for 02 9286 1000

National Relay Service: 1300 555 727 then ask for 02 9286 1000

Address: Level 24, 580 George Street, Sydney NSW 2000

The Plan is publicly available on our website as open access information under the GIPA Act.