



Checklist

Privacy Management Plans

Section 33 of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) requires agencies to have a privacy management plan (plan). A plan sets out an agency's commitment to respecting the privacy rights of clients, employees and members of the public. It should also explain an agency's practices and procedures in handling personal information under the PIIP Act and health information under the *Health Records and Information Privacy Act 2002* (HRIP Act).

This checklist does not prescribe the structure and format a plan should follow. Rather, it is a useful tool for an agency to assess the content of its plan once it has already been prepared. The NSW Privacy Commissioner also uses this checklist to assess the quality of agency plans it receives.

For practical information on how to write a plan, please refer to the Guide to Making Privacy Management Plans.

Review Questions

| | Yes | Part | No | Comments |
|---|--------------------------|--------------------------|--------------------------|----------|
| General | | | | |
| 1. Does the plan mention the agency's requirement to have a plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Does the plan describe the main kinds of personal and health information managed by the agency? Tip: think about this question in context of the functions and activities of the agency | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Information Protection Principles (Part 1, Division 1 of the PIIP Act) | | | | |
| 3. Does the plan explain how the personal information the agency collects is related to the agency's functions and activities (IPP 1)? e.g. enquiries, complaints handling, core business, human resources, recruitment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. Does the plan indicate when the agency collects personal information from the person and when it is collected from third parties (IPP 2)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. Does the plan explain how and when a person is notified that his/her personal information is being collected (IPP 3)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. Does the plan explain how the agency ensures that the collection of personal information is relevant, not excessive and is not an unreasonable intrusion (IPP 4)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| | Yes | Part | No | Comments |
|---|--------------------------|--------------------------|--------------------------|----------|
| 7. Does the plan generally explain how the agency stores, protects and disposes of personal information (IPP 5)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. Does the plan explain how the agency helps a person find out: <ul style="list-style-type: none"> • whether the agency holds their personal information • the nature of the information • the main purpose for which it is collected • his/her right of access (IPP 6)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the plan set out how a person can access his/her personal information (IPP 7)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. Does the plan set out how a person can amend his/her personal information (IPP 8)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 11. Does the plan explain how the agency checks the accuracy of personal information before using it (IPP 9)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 12. Does the plan mention how the agency limits its use of personal information (IPP 10)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 13. Does the plan mention how the agency limits disclosure of personal information (including other jurisdictions) (IPP 11)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 14. Does the plan explain how the agency deals with sensitive personal information (IPP 12)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Health Privacy Principles (Schedule 1 to the HRIP Act) | | | | |
| 15. Does the plan explain how the health information the agency collects is related to the agency's functions and activities (HPP 1)? e.g. enquiries, complaints handling, core business, human resources, recruitment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 16. Does the plan explain how the agency ensures that the collection of personal information is relevant, not excessive and is not an unreasonable intrusion (HPP 2)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 17. Does the plan indicate when the agency collects health information from the person and when it is collected from third parties (HPP 3)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 18. Does the plan explain how and when a person is notified that his/her health information is being collected (HPP 4)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 19. Does the plan explain how the agency stores, protects and disposes of health information (HPP 5)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| | Yes | Part | No | Comments |
|--|--------------------------|--------------------------|--------------------------|----------|
| <p>20. Does the plan explain how the agency helps a person find out:</p> <ul style="list-style-type: none"> • whether the agency holds their health information • the nature of the information • the main purpose for which it is collected • his/her right of access (HPP 6)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>21. Does the plan set out how a person can access his/her health information (HPP 7)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>22. Does the plan set out how a person can amend his/her health information (HPP 8)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>23. Does the plan mention how the agency checks the accuracy of personal information before using it (HPP 9)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>24. Does the plan mention how the agency limits its use of health information (HPP 10)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>25. Does the plan mention how the agency limits disclosure of health information (HPP 11)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>26. Does the plan mention whether the agency assigns identifiers to individuals (if applicable) (HPP 12)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>27. Does the plan mention whether it gives individuals the opportunity to remain anonymous (HPP 13)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>28. Does the plan mention whether the agency discloses health information to individuals or bodies outside of NSW (HPP 14)? e.g. Commonwealth, interstate, overseas</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>29. Does the plan mention whether the agency includes health information in a health records linkage system (if applicable) (HPP 15)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>30. Does the plan mention whether any exemptions in the PPIP Act or the HRIP Act are particularly relevant to the agency?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Exemptions | | | | |
| <p>31. Does the plan mention whether there are any particular codes of practice or public interest directions relevant to the agency?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>32. Does the plan mention whether there is any relevant legislation that allows the agency not to comply with any of the IPPs or HPPs?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

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| 33. Does the plan mention whether the agency has any Memorandums of Understanding or referral arrangements with other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 34. If any of the above are applicable, does the plan briefly explain how they actually impact on the agency's handling of personal or health information? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Public Registers | | | | |
| 35. Does the plan advise whether the agency has any public registers that contain personal or health information? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 36. If so, does the plan explain whether the personal or health information in these public registers can be accessed, and how? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 37. Does the plan explain how a person can apply for personal or health information to be suppressed in a public register? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Internal Reviews and Complaints | | | | |
| 38. Does the plan explain a person's right to seek an internal review? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 39. Does the plan set out the internal review process? e.g. how to apply for one, relevant timeframes, who makes the decision, how decisions are made, how the applicant is advised of the decision. Tip: if an agency does not have its own form, it can use the generic form on our website. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 40. Does the plan explain the notification process and the role of the Privacy Commissioner? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 41. Does the plan explain a person's right to an external review from the NSW Civil and Administrative Tribunal (NCAT) if dissatisfied with the internal review outcome? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 42. Does the plan set out the agency's alternative complaint process at the agency if a person wants to resolve an issue informally? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 43. Does the plan include the option to make a complaint to the Privacy Commissioner? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Offences | | | | |
| 44. Does the plan generally explain the offences in the PPIP Act and HRIP Act? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| | Yes | Part | No | Comments |
|---|--------------------------|--------------------------|--------------------------|----------|
| Raising awareness of/using the plan | | | | |
| 45. Does the plan set out how the agency trains staff to use the plan and comply with their privacy obligations? e.g. induction, periodic training, day to day work, what staff should do if unsure about a privacy issue | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 46. Does the plan set out how the agency educates members of the public in the agency's privacy obligations and their privacy rights? e.g. published on the web, mentioned on forms that collect personal or health information | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Other agencies | | | | |
| 47. Does the plan cover more than one agency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 48. If so, are the agencies listed individually? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 49. Does the plan go into enough detail about the functions and the personal and health information managed by each agency covered? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Privacy-related policies and procedures | | | | |
| 50. Does the plan describe how the agency devises its policies and practices to comply with the PPIP Act and the HRIP Act? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 51. Does the plan specify whether there are other policies and procedures relevant to the plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 52. If so, does the plan mention how the agency makes these documents available to staff and members of the public? Tip: website links can be useful here | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Accuracy | | | | |
| 53. Is there an adoption/version date on the plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 54. Is there a review date on the plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 55. Are any references to legislation in the plan current? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 56. If applicable, do the website links in the plan work? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Readability | | | | |
| 57. Is the structure of the plan logical? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 58. Does the plan have a table of contents? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 59. Is the level of detail and length of the plan appropriate? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| | Yes | Part | No | Comments |
|---|--------------------------|--------------------------|--------------------------|----------|
| 60. Is the plan written in plain English? Tip: show your draft plan to a new staff member or a member of the public and ask whether they can understand it | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 61. Is the plan helpful to members of the public and staff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Contact details | | | | |
| 62. Does the plan include current contact details for the Privacy Contact Officer or relevant privacy section at the agency for privacy-related enquiries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 63. Does the plan include current contact details for the Information and Privacy Commission NSW (IPC)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 64. Does the plan include current contact details for the NSW Civil and Administrative Tribunal (NCAT)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Accessibility | | | | |
| 65. Does the plan explain how the agency makes it available to staff and members of the public (e.g. website, over the counter, mailed out on request)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 66. Will the plan be on the agency's website and easy to find? Note: the plan is a policy document (open access information) under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| General Comments |
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For more information

Contact the Information and Privacy Commission NSW (IPC):

- Freecall:** 1800 472 679
- Email:** ipcinfo@ipc.nsw.gov.au
- Website:** www.ipc.nsw.gov.au