



# Privacy Management Plan

<b>Implementation officer</b>	General Counsel
<b>Relevant to</b>	The WaterNSW Board All WaterNSW Employees
<b>Relevant documents</b>	Code of Conduct WaterNSW Privacy Policy Information Classification and Handling Standard March 2022
<b>Relevant legal and other requirements</b>	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i> <i>Health Records and Information Privacy Act 2002 (NSW)</i> <i>Privacy Act 1988 (Cth)</i> <i>Government Information (Public Access) Act 2009 (NSW)</i> <i>State Records Act 1998 (NSW)</i>

**Monitoring, Evaluation and Review, Revision history**

**Outcome: How does this Plan deliver against the purpose and scope?**

Monitoring	This Plan is subject to ongoing monitoring in order to reflect current practices within WaterNSW, 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 two years unless a change in legislation or regulatory requirement commands the need to review. <table border="1" data-bbox="517 1245 1230 1435"> <thead> <tr> <th>Risk Rating</th> <th>Recommended Review Period</th> </tr> </thead> <tbody> <tr> <td>Extreme</td> <td>Annually</td> </tr> <tr> <td>Major</td> <td>Annually</td> </tr> <tr> <td>Medium</td> <td>2 years</td> </tr> <tr> <td>Minor</td> <td>3 years</td> </tr> </tbody> </table>	Risk Rating	Recommended Review Period	Extreme	Annually	Major	Annually	Medium	2 years	Minor	3 years
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Extreme	Annually										
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Medium	2 years										
Minor	3 years										
Revision history	This document replaces and supersedes the former WaterNSW Privacy Procedure.										

**Approval**

**Joe Pizzinga**  
Executive Manager Finance, Legal & Risk

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## 1. PURPOSE AND 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<sup>1</sup> with the Privacy Principles, set out in the following acts:

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

The purpose of this Privacy Management Plan (**Plan**) is to set out practices which will assist WaterNSW in implementing the Privacy Principles.

This Plan applies to all Personal Information and Health Information that is held by WaterNSW in accordance with section 3 of this Procedure.

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

## 2. WHAT IS PERSONAL INFORMATION AND HEALTH INFORMATION?

**Personal Information** means:

- a. information or an opinion (including information or an opinion forming part of a database whether recorded in material form or not),
- b. about an individual,
- c. whose identity is apparent or can reasonably be ascertained from the information or opinion.

Common examples of Personal Information include a person's name, 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.

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

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<sup>1</sup> At present, WaterNSW must comply with the HRIP Act as a ‘private sector person’, but voluntarily adheres to the requirements of the PPIP Act. WaterNSW expects to be required to comply with the PPIP Act in the future.

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, information about a person who has been deceased for more than 30 years and information included in a publicly available publication.

**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.

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.

### **3. WHEN IS PERSONAL INFORMATION AND/OR HEALTH 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:

- a. stored on a WaterNSW database or physically held in a WaterNSW office,
- b. 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), and
- c. 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. 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 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.

#### **4.1 Information about customers**

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

1. 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.
2. The types of information collected by WaterNSW includes:
  - a. Customer contact information (including name, address, telephone number);
  - b. Customer identification information (including date of birth, email address and proof of identity);
  - c. Billing information; and in limited cases, sensitive information such as Health Information.
3. 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.
4. 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 the information that is not necessary to provide the service or perform the function.
5. 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.
6. 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.

#### **4.2 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, Australian Tax Law, and to help WaterNSW operate 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 WaterNSW, or leaving the employment of WaterNSW:

1. WaterNSW will only collect Personal Information and Health Information only as is directly related to and reasonably necessary for the purpose for which it is collected.
2. 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.
3. 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.
4. 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, Employees 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.

### **4.3 Collection directly from the person**

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

- a. the person is under 18 years of age, in which case the information can be provided by a parent or guardian,
- b. 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,

- c. WaterNSW is authorised by law to collect information from someone else. This may include collecting information from service providers, regulators or other government agencies, and
- d. 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 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.

#### 4.4 Notification about the collection

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

- a. that the information is being collected;
- b. the purposes for which the information is being collected;
- c. the intended recipients of the information, including the persons or type of persons (if any) to whom WaterNSW usually disclosed the information collected;
- d. what WaterNSW will use the information for (see below Part **Error! Reference source not found.**);
- e. whether the supply of information by the individual is a legal requirement or is voluntary including consequences of non-disclosure (if any);
- f. whether, and in what circumstances the information may be disclosed (see below Part 8);
- g. how they can access and correct their information; and
- h. contact details for WaterNSW as the organisation that is collecting the information 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 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.

## 5. 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 person in connection with the provision of a service to WaterNSW, we 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:

- a. on WaterNSW's databases;
- b. on iCloud storage;
- c. by third parties who are engaged to perform services in relation to WaterNSW's core functions; and
- d. in physical office locations.

WaterNSW implements and maintains reasonable security measures to protect and secure Personal and Health Information from unauthorised access and misuse. 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, 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 the WaterNSW 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 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. Any information provided to a contractor, should only be information which the contractor has a legitimate 'need-to-know', based on 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 Standard March 2022, in relation to the requirements for protecting WaterNSW data.

## **6. 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, decide to not amend information, however, 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.

Requests for access to information, and to amend information should be directed to the Privacy Contact Officer.

## **7. 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 that 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.

2. 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.
3. 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,
  - b. the Secondary Purpose is directly related to the Primary Purpose,
  - 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.
4. Whether a Secondary Purpose is directly related to the purpose for which the information was collected 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.
5. 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.
6. Advice should be sought from the Privacy Contact Officer prior to using information for a Secondary Purpose.

## 8. PRIVACY PRINCIPLE 5 - DISCLOSURE

*Disclosure* 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,
  - 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,
  - 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,
  - 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,

- e. where the disclosure is required by law, for example in response to a subpoena, a warrant or notice to produce,
  - f. where the disclosure is to another public agency or regulator for the purpose of that agency or regulator carrying out its lawful functions. WaterNSW has agreements in place with agencies such as the Natural Resources Access Regulator, to share information; and
  - g. where the disclosure is to third parties engaged by us 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 of Personal Information to a body or person in a jurisdiction outside of 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 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.

## 9. TRAINING AND AWARENESS

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

## 10. ENQUIRIES AND COMPLAINTS

If you wish to discuss a privacy issue or make a complaint, please contact us via the following channel:

Email: [privacy@waternsw.com.au](mailto:privacy@waternsw.com.au)  
 Phone: 02 9865 2457

Mail: Privacy Contact Officer  
 WaterNSW  
 Level 14, 169 Macquarie Street

Parramatta NSW 2150

## 11. LINKED LEGISLATION

### 11.1 Commonwealth Privacy Act 1988

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](http://www.oaic.gov.au).

### 11.2 Government Information (Public Access) Act 2009 (NSW)

The operation of *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) is not affected by the operation of PPIP Act and HRIP Act.

Note that GIPA provides access to information held by WaterNSW to any person, but subject to the operation of various exemptions listed in section 14 of the GIPA Act, whereas under PPIP Act and HRIP Act access to information is provided only to the person to whom the information relates. For more information please refer to the website of the Information and Privacy Commission: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

### 11.3 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 the State Archives and Records Authority of 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.

## 12. AUTHORITIES AND RESPONSIBILITIES

Role	Responsibility
WaterNSW Board	Has the authority and responsibility to: <ul style="list-style-type: none"> <li>• Maintain an awareness and understanding of this Plan.</li> <li>• The Board's Audit &amp; Risk Committee monitors and evaluates privacy risk management activities within WaterNSW.</li> </ul>
Chief Executive Officer, Executive Managers, and Direct Reports to Executive Managers	Have the authority and responsibility to: <ul style="list-style-type: none"> <li>• Endorse and promote this Plan, including through ensuring that Employees have access to appropriate training and resources.</li> <li>• Support their managers in establishing controls and processes within their respective areas to meet the obligations of this Plan.</li> <li>• On an annual basis confirm with their respective</li> </ul>

	<p>management teams that the controls and processes are operating appropriately.</p> <ul style="list-style-type: none"> <li>• Identify any privacy related issues, and areas for improvement in respect of privacy related issues.</li> <li>• Provide support and resources for remedying any privacy related issues.</li> <li>• Ensuring that the Privacy Principles and the practices set out in this Plan are implemented within work practices and procedures.</li> </ul>
<p>Specific practices in this Plan - Executive Managers</p>	<ul style="list-style-type: none"> <li>• The <u>EM – Safety, People and Culture</u> is primarily responsible for implementing the practices in this Plan in respect of Personal and Health Information of Employees.</li> <li>• The <u>EM – Customer Services</u> is primarily responsible for implementing the practices in this Plan in respect of Personal and Health Information of customers.</li> <li>• The <u>EM – Digital</u> is primarily responsible for implementing the practices in this Plan in respect of Privacy Principle 2 – Storage and Security.</li> <li>• The <u>EM – Finance, Legal &amp; Risk</u> is primarily responsible for ensuring that WaterNSW's contractual arrangements with suppliers incorporate where appropriate, the practices in this Plan.</li> </ul>
<p>Privacy Contact Officer</p>	<p>Has the authority and responsibility to:</p> <ul style="list-style-type: none"> <li>• Ensure that this Plan remains up to date.</li> <li>• Make a copy of this Plan available on WaterNSW's website, and to all Employees.</li> <li>• Train and educate Employees (with the assistance of the Safety, People &amp; Culture Team) in relation to the PPIP Act, the HRIP Act, and this Plan.</li> <li>• Provide advice on privacy, and the application of the Plan to WaterNSW's practices, procedures and functions.</li> <li>• Participate in the development and implementation of new projects and initiatives to ensure that the Plan is considered at inception, and in design.</li> <li>• Handle all Privacy related complaints and enquiries from members of the public.</li> <li>• Liaise with the NSW Information and Privacy Commission and other government agencies.</li> </ul>
<p>Managers</p>	<p>Have the authority and responsibility to:</p> <ul style="list-style-type: none"> <li>• Maintain an awareness and understanding of this Plan and promote knowledge of such within their team.</li> <li>• Establish controls and processes within their respective areas to meet the obligations of this Plan.</li> <li>• On a regular basis confirm for their respective functions the established controls and processes are operating appropriately.</li> <li>• Act on any areas of weakness in complying with the Plan by notifying and liaising with the Privacy Contact Officer.</li> <li>• 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.</li> </ul>

Employees	<p>Have the authority and responsibility to:</p> <ul style="list-style-type: none"> <li>• Maintain an awareness and understanding of this Plan.</li> <li>• Comply with the Plan.</li> <li>• Ensure that the Privacy Principles and the practices set out in this Plan are implemented within work practices and procedures.</li> </ul>
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### 13. DEFINITIONS

**Employee** means, for the purposes of this Procedure, any person working as a direct employee of WaterNSW or in the capacity of a contractor or consultant whether in a casual, temporary, or permanent capacity.

**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 HRIP Act.

**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. Other exclusions 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.