



## Policy document

# Privacy statement

**This Policy explains how the Independent Planning Commission and the Office of the Independent Planning Commission obtains and uses your personal information. It covers all members of the public that submit information to us, as well as applicants and anyone else who engages with us.**

## 1. OUR ROLE AS THE COMMISSION

The Independent Planning Commission of NSW was established by the NSW Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and Environment.

The Commission plays an important role in strengthening transparency and independence in the decision-making processes for major development and land use planning in NSW.

The key functions of the Commission include to:

- determine state significant development applications
- conduct public hearings for development applications and other matters
- provide independent expert advice on any other planning and development matter, when requested by the Minister for Planning or Planning Secretary

The Commission is the consent authority for state significant development applications when there are:

- at least 50 'unique' public objections
- reportable political donations
- objections by the relevant local Council and Council has not rescinded that objection following exhibition

For more information on our functions, please visit our website: [www.ipcn.nsw.gov.au](http://www.ipcn.nsw.gov.au).

## 2. WE'RE DEDICATED TO PROTECTING YOUR PRIVACY

When you deal with us, your personal information is protected under the *Privacy and Personal Information Protection Act 1998*.

This *Privacy Statement* applies to both the Commission and the Office of the Independent Planning Commission and also incorporates the privacy management plan for both agencies required under the *Privacy and Personal Information Protection Act 1998*.

A copy of this *Privacy Statement* is provided to all Commission members and staff of the Office of the Independent Planning Commission.

### WHAT IS PERSONAL INFORMATION?

This is information that identifies you personally and includes any information and/or opinions about you. Examples are your name, address, phone number and email, along with any other ways to determine your identity.

Section 4 of the *Privacy and Personal Information Protection Act 1998* defines "personal information" in more detail.

### WHAT'S NOT PERSONAL?

Information isn't personal information if it:

- can already be found in a publicly available publication
- is in a public register
- is about someone who's been deceased for over 30 years
- relates to certain law enforcement and/or investigation activities
- is found in Government Cabinet documents
- can be disclosed under another piece of legislation.

### 3. HOW WE COLLECT YOUR PERSONAL INFORMATION

We will only collect personal information that is directly related to the work of the Commission and reasonably necessary for it, for a lawful purpose.

We may collect personal information when a group or individual engages with the Commission, including by making a submission, or participating in a public meeting, public hearing, site inspection, locality tour or other stakeholder meeting with the Commission.

We also receive personal information in submissions made to the Department of Planning and Environment or local councils.

Unless, as part of a public hearing, the Commission makes an order requiring the attendance of a witness or production of documents, there is no legal requirement to provide personal information to the Commission. If a person chooses to engage with the Commission and in doing so provides their personal information to the Commission, this *Privacy Statement* governs how that information is used and disclosed.

### 4. HOW WE USE AND DISCLOSE YOUR PERSONAL INFORMATION

All documents given to us, including audio-visual material and material put into forms on our website, may be uploaded to our website without redactions.

In respect of submissions made to the Commission, we may publish any personal information you have included in the body of any submission to the Commission.

Please do not include any personal information in your submission that you do not want to be published. If you are making a submission through the Commission's 'Make a Submission' portal, you may elect to have your name and address withheld from the webpage link to your submission. However, if you have included any personal information in any documents you upload, this will be published in full.

In respect of applications to register to speak at a public hearing or public meeting, or as part of your attendance at a site inspection, locality tour or stakeholder meeting, your name and any organization you represent will be disclosed on the Commission's publicly available speaker schedule. Similarly, your image and any personal information you choose to disclose during a public hearing, public meeting, site inspection, locality tour or stakeholder meeting will be recorded and published in a transcript and/or audio-visual recording published by the Commission.

In respect of any other document provided to the Commission that is not a submission, if you request

your personal information be withheld, we may elect, at our discretion, to redact that information before uploading it to our website.

If you seek to provide to the Commission the personal information of any other person, you are responsible for ensuring that the person has provided you with any necessary consent to do so and that the person has read and understood this *Privacy Statement*. The Commission reserves the discretion to withhold submissions or other material from publication if it suspects that personal information has been disclosed to the Commission without the consent of the person to whom it relates.

We may also be asked to give information to another party under a *Government Information (Public Access) Act 2009* request, a subpoena as part of legal proceedings or under another lawful process. Before providing your information to someone else, we may contact you to seek permission if we are legally required to do so. If we are not legally required to seek your permission to give personal information to another party, we may not do so.

**Some ways we may use your submission and/or other correspondence include:**

- informing consideration of a proposal or planning matter
- publishing it in a report or on our website
- providing it to relevant third parties such as the Minister for Planning, the Department of Planning and Environment or other public authorities
- providing it to third parties engaged by the Commission for analysis

**Some ways we may use your personal information include:**

- contacting you about an upcoming meeting or hearing
- clarifying details mentioned in your representation or verbal presentation
- internal analysis of submissions, such as using your personal information to give context to your submission (e.g., your physical distance to a proposed development)
- circulating information on a meeting schedule, when registered to speak publicly or attend a site inspection, locality tour or stakeholder meeting
- producing records for public meetings and hearings, site inspections, locality tours or stakeholder meetings
- seeking feedback about the work of the Commission
- providing information to relevant third parties so they support the functions of the

Commission, including those set out above

## 5. YOU HAVE THE RIGHT TO ACCESS YOUR PERSONAL INFORMATION

Under the *Privacy and Personal Information Protection Act 1998* you have the right to access and edit your own personal information we hold if that information is inaccurate. If you'd like to make a request for access or to edit your personal information, get in touch via the details below.

## 6. BREACH OF PRIVACY

If you feel there's been a breach of your privacy or of the information protection principles under the *Privacy and Personal Information Protection Act 1988*, you have the right to make a seek an internal review by the Office of the Independent Planning Commission. An application for internal review must:

- be made in writing,
- be addressed to the Office of the Independent Planning Commission
- specify an address in Australia to which the Office of the Independent Planning Commission can send correspondence related to your application
- be made within six months from the time you first became aware of the alleged breach, and
- include any relevant material you would like the Office of the Independent Planning Commission to consider.

Once the Office of the Independent Planning Commission receives your application, a suitably qualified staff member who was not substantially involved in the alleged breach will:

- conduct a review within 60 days from receiving the application;
- notify you within 14 days of the completion of the review of the findings of the review and any actions proposed to be taken by the Office of the Independent Planning Commission, which may include:
  - no further action,
  - a formal apology,
  - remedial action,
  - providing undertakings that the conduct will not occur again, or
  - implementing administrative measures to ensure that the conduct will not occur again, and
- notify the NSW Privacy Commissioner (and keep them informed of the progress of the internal review and its results).

We also have the right to request that the Privacy Commissioner undertake the internal review on our behalf.

If you are dissatisfied with the findings of our internal review, the action taken by the Office of the Independent Planning Commission in relation to your application, or the review is not completed within 60 days from our receipt of your application, you may apply to the Civil and Administrative Tribunal for an administrative review.

### DOCUMENT APPROVAL

<b>Document ID</b>	Privacy Statement
<b>Owner(s)</b>	Executive Director, OIPC
<b>Custodian</b>	Director, Legal
<b>Approved</b>	28 September 2023



### For more information

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