

NOTICE OF MEETING

AUDIT AND RISK COMMITTEE

Members of the Audit and Risk Committee are advised that a meeting of the Committee will be held in the Council Chambers, 83 Mandurah Terrace Mandurah on

**Monday 4 September 2023
at 5.30pm**

Casey Mihovilovich
Chief Executive Officer
31 August 2023

Committee Members:

Councillor P Rogers [Chairperson]	Mayor Williams
Councillor R Burns	Councillor J Green
Councillor A Zilani	Councillor C Knight [Deputy Mayor]
Mr W Ticehurst	

Deputies:

Councillor D Pember	Councillor A Kearns
Councillor D Wilkins	

AGENDA

1. OPENING OF MEETING

2. APOLOGIES

3. IMPORTANT NOTE

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

4. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

5. AMENDMENT TO STANDING ORDERS

Modification to *Standing Orders Local Law 2016* - electronic attendance at meeting.

6. PUBLIC QUESTION TIME

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time please visit the City's website mandurah.wa.gov.au or telephone 9550 3787.

7. PRESENTATIONS

8. DEPUTATIONS

Any person or group wishing to make a Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation please visit the City's website mandurah.wa.gov.au or telephone 9550 3787.

9. CONFIRMATION OF MINUTES 3 JULY 2023

Minutes available on the City's website via mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes

10. DECLARATIONS OF INTERESTS

11. QUESTIONS FROM COMMITTEE MEMBERS

- 11.1 Questions of Which Due Notice Has Been Given
- 11.2 Questions of Which Notice Has Not Been Given

12. BUSINESS LEFT OVER FROM PREVIOUS MEETING

13. REPORTS

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1	Privacy and Responsible Information Sharing (PRIS)	3 - 6	

14. LATE AND URGENT BUSINESS ITEMS

15. CONFIDENTIAL ITEMS

Work Health and Safety (WHS) 2022-2023 Annual Review

16. CLOSE OF MEETING

1	SUBJECT:	Privacy and Responsible Information Sharing (PRIS)
	DIRECTOR:	Place and Community
	MEETING:	Audit and Risk Committee
	MEETING DATE:	4 September 2023

Summary

The WA Government is drafting new legislation that will form the basis of Privacy and Responsible Information Sharing (PRIS) reforms, designed to ensure that personal information is collected, used, and handled responsibly.

The privacy and responsible information sharing legislation is intended to provide Western Australians with greater control over their personal information and improve the delivery of government services. This legislation will enable data to be shared within government for the right reasons and provide greater accountability and transparency about how government uses personal information.

PRIS reforms are expected to apply to several entities (including local government) that will be referred to collectively as 'agencies', to be consistent with the proposed Bill. The WA Government is adopting a collaborative and coordinated approach in preparing agencies for PRIS, with a variety of guidelines, checklists, and readiness actions.

Council is requested to note the City's intentions to progress consistent with the PRIS approach.

Disclosure of Interest

Nil

Location

N/A

Previous Relevant Documentation

Nil

Background

The State Government is drafting new Privacy and Responsible Information Sharing (PRIS) legislation to reform personal privacy protections and the accountability of information sharing within government. The legislation should provide Western Australians with more control over their personal privacy, improve the delivery of government services and create local research and development opportunities.

The State Government advises that the PRIS Legislation will introduce seven key areas of reform:

1. The introduction of Information Privacy Principles (IPPs) – rules that guide the collection, use, disclosure, and handling of personal information. The IPPs will apply to the WA public sector and, where required, contracted service providers.
2. The appointment of a Privacy Commissioner – an independent statutory officer that reports directly to Parliament and is primarily responsible for privacy matters in WA, that will, amongst other things: monitor agency compliance with the IPPs; and receive complaints about alleged breaches of privacy.
3. A mandatory data breach notification scheme requiring agencies to notify the Privacy Commissioner and any affected individuals of serious data breaches involving personal information.

4. A statutory mechanism for WA public sector agencies to share information only when adhering to new, stringent standards for risk assessment, decision making, governance and transparency.
5. The introduction of Responsible Sharing Principles (RSPs) to provide a consistent framework for the assessment of risks and benefits associated with a data sharing arrangement.
6. Establishing a Chief Data Officer function in government, to promote and support a culture of responsible information sharing and use in the public.
7. Introducing a mechanism that supports Aboriginal data sovereignty and governance in WA, by requiring that Aboriginal people and communities are involved or consulted when data about them is shared.

The WA Government has endorsed the PRIS readiness approach and provided the authorising environment for the Director General ICT Council to oversee four self-assessment activities and 18 key actions to support agencies readiness by the time the legislation comes into force. These activities will be coordinated and directed by the Implementation Steering Committee (ISC). The ISC will also develop guidance, tools, and templates to support agencies to perform these activities. The activities under the Agency PRIS Readiness Checklist have been established based on the PRIS policy position and informed by best practice in other jurisdictions.

The four self-assessment activities and 18 key actions contained in the PRIS readiness approach are listed below with an indication of the City's progress for those scheduled to date:

Date	Action	Status
Apr 23	Designate a PRIS Champion	Complete
May 23	Baseline Readiness Assessment and Report	Commenced
Jun 23	Complete PRIS Action Plan – approved by senior executive	Commenced
Aug 23	Map PRIS to Agency values	Commenced
Aug 23	Designate a Privacy Officer and Information Sharing Officer	Not yet commenced
Oct 23	PRIS Officers and other key staff attend awareness sessions (April, June)	Complete
Nov 23	Progress Report 1	Not yet due
Dec 23	Survey information holdings and establish Information Asset Register	
Feb 24	Review agency legislation for PRIS implications	
Mar 24	Develop and publish a Privacy Policy	
Mar 24	Develop and publish a Data Breach Policy	
Apr 24	Establish an internal register of data breaches	
May 24	Progress Report	
Jun 24	Develop and publish Collection Notices	
Aug 24	Develop and publish a Privacy Management Plan	
Aug 24	Develop and publish a Data Breach Response Plan	
Sep 24	Review contracts with partners and service providers	
Sep 24	Review retention and disposal requirements	
Oct 24	Establish internal procedures for handling and tracking PRIS requests, complaints, and breaches	
Nov 24	Deliver internal PRIS training and awareness for agency staff	
Nov 24	Progress Report 2	
Dec 24	Establish internal procedures for PRIS monitoring and compliance Reporting	

The City is tracking behind regarding meeting the actions by the scheduled date, however, an accelerated effort by officers over the next three months is anticipated to bring the City in line with the schedule by December 2023.

Comment

The City acknowledges the need for improved privacy practices and considers alignment with the PRIS approach to be the most effective.

Consultation

In 2019 the WA Government held the first consultation targeting the public, community groups community service organisations, health researchers, privacy experts, Aboriginal people and representative organisations and industry. These findings were collated into the Privacy and Responsible Information Consultation Summary Report. Following that, a second consultation period was held, engaging a wide range of government agencies to finalise the privacy and responsible sharing model. This process was delayed, impacted by the pandemic. These consultations by State Government helped inform the draft legislation and readiness approach.

City Officers have not yet formed a view on whether community consultation is required in relation to PRIS and will address the need for consultation as progress is made against actions in the schedule.

The PRIS Agency Action Plan is essentially the Project Management Plan, and this outlines an internal project team comprising City Officers from Information Management, Governance, People and Culture and Systems and Projects (ICT). This team will coordinate PRIS readiness activities across the organisation so there will be ongoing internal consultation.

Youth Advisory Group Comment

Not applicable at this stage. YAG will be consulted in relation to PRIS as required.

Statutory Environment

The WA Government is drafting new legislation that will form the basis of Privacy and Responsible Information Sharing (PRIS) reforms.

Relevant existing legislation includes:

- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *State Records Act 2000*
- *Australian Privacy Act 1988*

Policy Implications

In preparation for the new PRIS legislation taking effect in 2024, it is expected that all agencies will need to create and publish new Policy and Procedures that address privacy and data breaches.

Existing Policy relevant to PRIS includes:

- POL-IMT-01 Records Management Policy
- POL-GVN-09 Code of Conduct Complaints Management Policy

Financial Implications

PRIS commitments can be carried out within existing financial and human resources.

Risk Analysis

The City's Strategic Risk Register notes Data, Records and Systems as a key strategic risk. A risk action to be taken is to develop improved privacy principles and practices which PRIS is the acknowledged framework for this.

Failure to undertake PRIS readiness actions may:

- increase the risk of non-compliance with PRIS legislation once in force in December 2024
- damage the reputation of the City with State Government, stakeholders and public
- reduce the ability for the City to meet the privacy and sharing of information expectations of our community
- lead to consequences such as leaked private and confidential information and financial loss
- reduce the ability to protect the City's data, records and systems

It is noted that the readiness approach and checklist have quite ambitious targets to develop and publish documents like policy, procedures, practices and plans. City officers will endeavour to meet the schedule; however, this will depend on the timely release of relevant information from the State Government and the City's own processes for endorsement of documents. It's also noted the timeline doesn't account for consultation with local community which if deemed necessary, may cause delays.

Strategic Implications

PRIS aligns with the following Focus Area and objectives:

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment, and social values

Conclusion

It is timely and relevant to inform Council of the City's intentions to progress with PRIS readiness action to prepare for the effect of new Legislation in December 2024. Officers will ensure progress reports are provided to update Council on tracking against key milestones.

RECOMMENDATION

That the Audit and Risk Committee notes the City's intention to progress consistent with the Privacy and Information Sharing readiness approach developed by the State Government in preparation for the effecting of new Legislation in December 2024.