

# Privacy of Personal Information Guide

Department of the Premier and Cabinet

September 2020

## The Information Privacy Act 2009 (Qld)

The Department of the Premier and Cabinet (**department**) is committed to protecting the privacy of personal information by complying with its obligations under the [Information Privacy Act 2009](#) (Qld) (**IP Act**), including the:

- 11 Information Privacy Principles (**IPPs**) contained in schedule 3;
- overseas transfer obligations contained in section 33; and
- contracted service provider provisions contained in chapter 2, part 4.

The 11 IPPs cover the responsible collection, storage, use and disclosure of personal information held by government agencies and can be broadly categorised into the following five groups:

### Collection of information

- IPP 1. Collection of personal information (lawful and fair)
- IPP 2. Collection of personal information (requested from individual)
- IPP 3. Collection of personal information (relevance etc)

### Storage and security of information

- IPP 4. Storage and security of personal information

### Access and amendment to information

- IPP 5. Providing information about documents containing personal information
- IPP 6. Access to documents containing personal information
- IPP 7. Amendment of documents containing personal information

### Use of personal information

- IPP 8. Checking of accuracy etc. of personal information before use by agency
- IPP 9. Use of personal information only for relevant purpose
- IPP 10. Limits on use of personal information

### Disclosure of personal information

- IPP 11. Limits on disclosure

The primary intent of the IP Act is to provide for the fair collection and handling in the public sector environment of personal information and provide for a right of access to, and amendment of, personal information.

### Definition of personal information

Personal information is defined in the IP Act as "*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether*

*recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."*

Examples of personal information include a person's name, address, date of birth or telephone number. The information does not have to clearly identify a person, but needs only to provide sufficient information to lead to the identification of a person.

### **Personal information records held by the department**

The department holds records containing personal information that can broadly be divided into two classes. Firstly, personal information relating to staff, and secondly, personal information relating to the business and service delivery functions of the department.

[Business areas](#) of the department may collect personal information in the course of its day-to-day activities for statutory and administrative reasons. Collection of such personal information is in accordance with the IPPs 1 to 3.

Department employees are given access only to information that is relevant to their duties and appropriate security procedures are in place for the management of personal information.

Personal information is held on departmental files related to business and service delivery functions of the department, including delivery of the following responsibilities:

- Client relationship management / public correspondence to the Premier
- Grant applications
- Award nominations
- Event programs
- Job applications
- Human resource management
- The Premier's Disaster Relief Appeals
- Policy consultation processes
- Cabinet documents and Executive Council Minutes

The department also manages registers containing personal information, such as:

- [Queensland Register of Nominees to Government Boards](#)
- [Queensland Register of Appointees to Government Bodies](#)
- Nominations related to the *Appointments of Honorary Consuls in Queensland*
- Register of 'Title the Honourable'
- Sponsorship Applications
- Privacy Breach Register
- Function and Events Registers
- Register of Contact with Lobbyists
- [Gifts Register](#)
- Corporate records / financial management records
- Consultant / contractor / supplier records.

## Legislation administered by the department

The department may also deal with personal information in administering the following legislation:

- *Agent-General for Queensland Act 1975*
- *Assisted Students (Enforcement of Obligations) Act 1951*
- *Auditor-General Act 2009*
- *Australian Constitutions Act 1842 (Imperial)*
- *Australian Constitutions Act 1844 (Imperial)*
- *Australian Waste Lands Act 1855 (Imperial)*
- *Commonwealth Powers (Air Transport) Act 1950*
- *Constitution Act 1867*
- *Constitution Act Amendment Act 1934*
- *Constitution of Queensland 2001*
- *Constitution (Fixed Term Parliament) Referendum Act 2015*
- *Constitutional Powers (Coastal Waters) Act 1980*
- *Emblems of Queensland Act 2005*
- *Governors (Salary and Pensions) Act 2003*
- *Integrity Act 2009*
- *Legislative Standards Act 1992*
- *Ministerial and Other Office Holder Staff Act 2010*
- *Off-shore Facilities Act 1986*
- *Parliament of Queensland Act 2001*
- *Parliamentary Service Act 1988*
- *Queensland Boundaries Declaratory Act 1982*
- *Queensland Coast Islands Act 1879*
- *Queensland Independent Remuneration Tribunal Act 2013*
- *Queensland International Tourist Centre Agreement Act Repeal Act 1989*
- *Queensland Plan Act 2014*
- *Reprints Act 1992*
- *Senate Elections Act 1960*
- *Statute of Westminster 1931 (Imperial)*
- *Statute of Westminster Adoption Act 1942 (Cwlth)*
- *Statutory Instruments Act 1992*
- *Trade and Investment Queensland Act 2013*

## Access to, and amendment of, personal information

The right of access to, and amendment of, personal information is set out in IPPs 5, 6 and 7 for bound contracted service providers and under Chapter 3 of the [IP Act](#) or the [Right to Information Act 2009 \(Qld\)](#) for individuals.

Formal applications under these Acts are intended only as a last resort and the department endeavours to provide individuals with access to their own personal information informally.

This may be achieved through current departmental employees exercising their right of access under the [Public Service Regulation 2018](#) or by members of the public making a request for access to information under the department's [Administrative Access Corporate Policy](#).

In instances where informal access is not feasible (for example if third parties personal information is involved), a formal application will be required. These applications must be made on the prescribed application form and the applicant must provide proof of identify before access to personal information can be given. The processing period is a period of 25 business days from the day the application is received.

### Application forms

[Right to Information and Information Privacy Access Application](#)

[Information Privacy Personal Information Amendment Application](#)

Applications for access can also be made via an [online application form](#).

### Fees and charges

There are no application fees or processing charges for access to personal information, however, some access charges may be applied.

### Submitting applications

Applications should be emailed to [privacy@premiers.qld.gov.au](mailto:privacy@premiers.qld.gov.au) or mailed to:

Manager, Right to Information and Privacy  
Department of the Premier and Cabinet  
PO Box 15185  
CITY EAST QLD 4002

More information about accessing and/or amending personal information is available by contacting the department's RTI and Privacy Unit by email at [privacy@premiers.qld.gov.au](mailto:privacy@premiers.qld.gov.au) or on telephone (07) 3003 9230.

### Privacy complaints and review procedures

If you consider that the department has not dealt with your personal information in accordance with the [IP Act](#), you may consider making a complaint to the department.

The complaint must:

- concern your personal information
- be in writing and state an address to which notices may be forwarded under the IP Act in relation to your complaint
- give particulars of the alleged breach.

Additionally, the complaint should:

- be made by you to the department as soon as possible or when you first became aware of the alleged privacy breach
- include evidence of your identity.

Information on how to make a complaint can be found on the department's [website](https://www.premiers.qld.gov.au/about-us/contact-us/compliments-and-complaints.aspx) at <https://www.premiers.qld.gov.au/about-us/contact-us/compliments-and-complaints.aspx>

### **Framework for investigation and responding to a privacy complaint**

Your complaint will be investigated and a written response advising the outcome of the complaint, including any remedies, will be provided to you within 45 business days of receipt of the complaint.

If you are not satisfied with the response you may make a privacy complaint to the Office of the Information Commissioner (OIC).

A guide outlining the privacy complaint process is available from the [OIC website](#).

If you would like more information about privacy complaint management procedures, please contact the Manager, Right to Information and Privacy by email at [privacy@premiers.qld.gov.au](mailto:privacy@premiers.qld.gov.au) or on telephone (07) 3003 9230.