

# Privacy of Personal Information Guide

Department of the Premier and Cabinet

December 2015

## **Privacy of Personal Information Guide**

### ***The Information Privacy Act 2009 (Qld)***

Queensland Government agencies are required to comply with 11 Information Privacy Principles (IPPs) contained in Schedule 3 of the [Information Privacy Act 2009](#) (Qld) (IP Act) which cover the responsible collection, storage, use and disclosure of personal information held by government agencies.

The 11 IPPs 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
- IPP 5. Providing information about documents containing personal information

#### **Access and amendment to information**

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

#### **Accuracy of information**

- IPP 8. Checking of accuracy etc. of personal information before use by agency

#### **Use and disclosure of personal information**

- IPP 9. Use of information only for relevant purpose
- IPP 10. Limits on use of personal information
- IPP 11. Limits on disclosure

The primary intent of the IP Act is to protect the privacy of personal information that is collected and used in the delivery of government services and the conduct of government business.

## 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.*"

## What sort of personal information is collected by the department?

### Personal information records held by the department

The Department of the Premier and Cabinet (**department**) holds electronic and paper records containing personal information which 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.

The department is divided into business areas which are further divided into business units, as per the department's [organisational chart](#). All areas of the department collect personal information in the course of their day-to-day activities for statutory and administrative reasons.

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

- [Queensland Register of Nominees to Government Bodies](#)
- [Queensland Register of Appointees to Government Bodies](#)
- Function and Events Register
- [Gifts Register](#)
- Corporate records / financial management records
- Consultant / contractor / supplier records.

Personal information is also 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
- Job applications
- Human resource management
- The Premier's Disaster Relief Appeals
- Policy consultation processes



## Legislation administered by the department

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

- *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)*
- *Century Zinc Project Act 1997 (ss1-4, 5(1), 8, 18-20)*
- *Commonwealth Powers (Air Transport) Act 1950*
- *Constitution Act 1867f*
- *Constitution Act Amendment Act 1890*
- *Constitution Act Amendment Act 1934*
- *Constitution of Queensland 2001*
- *Constitutional Powers (Coastal Waters) Act 1980*
- *Emblems of Queensland Act 2005*
- *Family and Child Commission Act 2014*
- *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*
- *Queensland Art Gallery Act 1987*
- *Queensland Museum Act 1970*
- *Queensland Performing Arts Trust Act 1977*
- *Queensland Theatre Company Act 1970*



## Access to, and amendment of, personal information

The right of access to, and amendment of, personal information under IPPs 6 and 7 are set out in Chapter 3 of the [IP Act](#) and the [Right to Information Act 2009 \(Qld\)](#).

Formal applications under these Acts is intended only as a last resort and the department endeavours to provide access to personal information informally.

This may be achieved through current departmental employees exercising their right of access under section 14 of the [Public Service Regulation 2008 \(Qld\)](#) 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.

### 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 charges for access to personal information.

### Submitting applications

Online 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.



## Complaints and review procedures

If you consider that the department has not dealt with your personal information in accordance with the IPPs, you may consider making a complaint to the department.

The complaint must:

- concern your personal information
- include evidence of your identify
- 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, and
- must be made by you to the Privacy Contact Officer in the department within 12 months of the alleged privacy breach.

Written complaints should be sent to the following:

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

**By email:**                    [privacy@premiers.qld.gov.au](mailto:privacy@premiers.qld.gov.au)

**By facsimile:**              (07) 3224 2943

## Framework for investigation and responding to a privacy complaint

Your complaint will be investigated and a written response provided to you within 45 business days of receipt of the complaint.

If you are not satisfied with the response, you may apply for an external review by 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.