



Office of the Information Commissioner
Queensland

Information Sheet

Information Privacy Act 2009 (Qld)

Self-publishing and the privacy principles

Overview

This information sheet is intended to assist people in being aware of the privacy implications of publishing their own personal information by explaining how your privacy rights can be affected when you publish or give your personal information for the purposes of publication.

What is personal information?

The definition of personal information¹ provided in the *Information Privacy Act 2009 (Qld)* (**IP Act**) is broad; it covers any information, whether true or not, about an individual that identifies them or could reasonably lead to their identification.

Some information is obviously about a person: such as date of birth, email address, medical records or employment history. Even if the information appears to be about something other than a person - a piece of land, for example - it can still be about a person if it reveals something about an individual, such as whether the owner has unpaid rates with the local council.

What does published mean?

For the purposes of the IP Act, 'publishing'² means to make information available to the public by way of television, newspaper, radio and the internet or other forms of communication. It also includes material that is provided for the purpose of publication, whether it is published or not.³

Examples

You might publish your personal information or give it for the purpose of publication if you:

- Publish a profile, post an update or add a tag using a social networking site,⁴ even if you have your privacy settings set to 'private' or 'friends only'.
- Like, comment on or share content of another social media user.

¹ See section 12 of the IP Act.

² See sections 28 and 32 of the IP Act.

³ On a practical note, it will often be difficult for a third party to know the content of provided material until it is in fact, published.

⁴ Examples of social media include social networking sites (such as Facebook and LinkedIn), content sharing sites (such as YouTube, Pinterest and Flickr), micro-blogging sites (such as Twitter) and blogs, forums, discussion boards and Wiki's including Wikipedia.



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- Publish your contact details on a website or directory (including the White Pages and Yellow Pages).
- Provide a submission to local government about a property development application.⁵
- Give a statement to a journalist about a particular issue.
- Participate in a survey or community consultation forum where responses will be published.
- Buy a property, making it mandatory that local government include your name and postal address on the Land Record.⁶

Which privacy rights are affected when I publish my personal information?

Queensland government agencies⁷ are not required to comply with the following privacy principles if you have published your personal information or given your personal information for the purpose of publication:

- checking of accuracy⁸
- limited use⁹ or use for secondary purpose;¹⁰ and
- disclosure of personal information.¹¹

This provision applies to personal information that is **related to or connected to** the personal information that was published.¹² A purpose of this provision is to provide Queensland Government agencies flexibility in responding to issues that have been placed in the public domain by individuals.

Example

Mary Jones writes to her local newspaper complaining that she was unsuccessful in her funding application to the Department of Wizardy to run a program to train magicians to pull a rabbit from a hat.

The Department of Wizardy is approached for comment. It writes back to the newspaper advising that Ms Jones was previously fined \$20,000 for illegally breeding rabbits and is subsequently quoted in the newspaper. Several of Ms Jones' existing clients cancel upcoming shows due to her poor animal handling practices.

⁵ The *Planning Act 2016* (Qld) authorises local government to publish specified information and documents about a development application on Planning and Development Online (PD Online).

⁶ The *Local Government Regulation 2012* (Qld) requires that local governments must keep a Land Record, which includes the name and postal address of the owner, for inspection by the public.

⁷ In this information sheet all references to an 'agency' include Ministers, unless otherwise specified.

⁸ See Information Privacy Principle (IPP) 8 and National Privacy Principle (NPP) 3.

⁹ See IPP 9.

¹⁰ IPP 10 and NPP 2.

¹¹ IPP 11 and NPP 2.

¹² Or given for the purpose of publication.



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Although the \$20,000 fine is Ms Jones' personal information, the Department of Wizardry is able to provide this information to the newspaper as it is connected with personal information that was given for publication to the newspaper by Ms Jones.

Which privacy rights are not affected?

Agencies still need to comply with the privacy principles that deal with collection,¹³ storage and security,¹⁴ access and amendment¹⁵ and transfer of the personal information outside of Australia¹⁶ when dealing with the personal information that you have published.

Example

Mary Jones publishes a post on the Department of Wizardry's social media page complaining that she was unsuccessful in her funding application to run a program to train magicians to pull a rabbit from a hat

If the Department of Wizardry were to reply to this post *online* by stating that Ms Jones was previously fined \$20,000 for illegally breeding rabbits, it will potentially be in breach of section 33 of the IP Act – transfer of personal information overseas.¹⁷

What if I publish my personal information using a pseudonym?

People sometimes choose to use a pseudonym or alias instead of their true name when they publish. While the use of a pseudonym can give an individual a measure of privacy, it may not remove the possibility that a person's true name can be ascertained through the cross referencing of other information.¹⁸

Example

John Smith posts comments online under the pseudonym 'Captain Courage'. However, John and Captain Courage share many other points of identification such as the same email address, mobile phone number and residential address. If 'Captain Courage' is revealed to be John Smith, all posts published by 'Captain Courage' constitute John Smith's personal information. John Smith is publishing his personal information, whether he then publishes as John Smith or 'Captain Courage'.

¹³ IPPs 1-3 and NPPs 1, 3 and 9(1)-(3).

¹⁴ IPP 4 and NPP 4.

¹⁵ IPPs 5-7 and NPP 6 and 7.

¹⁶ Section 33 of the IP Act.

¹⁷ Where the web server for the social media webpage is located outside Australia, or if someone from a country other than Australia accesses the personal information on the social media webpage.

¹⁸ The definition of 'personal information' in section 12 of the IP Act is broad enough to cover this situation, and as such it could potentially be considered as personal information.



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How can I take charge of my personal information?

Be aware of what you are agreeing to when you provide personal information for the purpose of publication so that you can make an informed decision about what information to provide.

For example, make sure you check what security controls and privacy settings are available and that you understand any limitations. Read the collection notice or privacy statement for an explanation of how your personal information will be used and to whom it will be disclosed. If you do not fully understand why the information is being collected or who it will be given to, contact the agency to find out more.

Finally, think before you make your personal information public. Although social networking sites provide an easy and convenient way to publicise your opinions, it is not uncommon for people to regret information they have posted because they did not think about the consequence of their post, or that their posting could be seen by an unintended audience.

For additional information and assistance please refer to Information Sheet: [Managing Your Privacy Online](#), or contact the Enquiries Service on 07 3234 7373 or email enquiries@oic.qld.gov.au.

This information sheet is introductory only, and deals with issues in a general way. It is not legal advice. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

If you have any comments or suggestions on the content of this document, please submit them to feedback@oic.qld.gov.au.

Published 5 May 2014 and Last Updated 5 May 2014.

Changes to legislation after the update date are not included in this document