

Our ref: 1810086

27 June 2024

Ms Lynda Pretty  
Committee Secretary  
Community Support and Services Committee  
Queensland Parliament

**By email:** [CSSC@parliament.qld.gov.au](mailto:CSSC@parliament.qld.gov.au)

Dear Ms Pretty

### **Inquiry into the Child Safe Organisations Bill 2024**

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The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission to the Community Support and Services Committee's inquiry into the Child Safe Organisations Bill 2024.

OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009* and the *Information Privacy Act 2009* (**IP Act**) to, respectively, facilitate greater access to government-held information and oversee safeguarding of personal information collected, used and held by public sector agencies.

#### **Clause 48 (Prescribed child safe entities may disclose confidential information) and Clause 49 (Particular entities may share information for reportable conduct scheme)**

OIC has confined its comments to chapters 4 and 5 of the Bill, in particular clauses 48 and 49. OIC notes clause 48 will allow disclosure of confidential information between prescribed CSS entities in particular circumstances in relation to child safe standards. Clause 49 allows disclosure of more sensitive information to a narrow list of prescribed RCS entities.

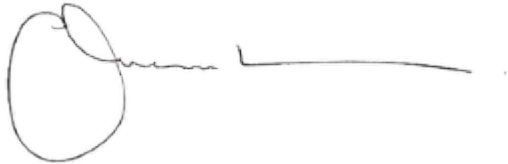
Importantly, persons who gain confidential information through involvement in the administration of the Act, or who are given confidential information, must comply with certain confidentiality obligations under chapter 5. However, the obligations in chapter 5 do not appear to ensure persons receiving the confidential information, particularly if that includes personal information, are protecting documents containing that information in accordance with Information Privacy Principle (IPP) 4 under the IP Act.

Given some prescribed CSS entities (and potentially religious bodies as reporting entities under schedule 2) may not be subject to the IPPs or the *Privacy Act 1988* (Cth), OIC considers the Bill would benefit from expanding the protections in chapter 5 to include an express obligation on such entities to take reasonable steps to protect a document in accordance with IPP4. In addition, the Department of Child Safety, Seniors and Disability Services may wish to consider more broadly which other IPPs may be suitable to apply to a prescribed CSS entity or prescribed RCS entity under clauses 48 and 49.

OIC acknowledges that the Queensland Family and Child Commission may impose further requirements on prescribed CSS entities or prescribed RCS entities through a written arrangement about sharing or exchanging information under clause 54. However, an express provision in the Bill would provide certainty for entities and the community regarding protection of confidential information.

Should you require further information regarding the above matters, please contact Ms Celica Bojorge on at [IC@oic.qld.gov.au](mailto:IC@oic.qld.gov.au) or on 3234 7373.

Yours sincerely

A handwritten signature in dark ink, consisting of a large, stylized capital 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Joanne Kummrow  
**Information Commissioner**