IPOLA RESOURCE

Applying the legislation – Information Privacy Act 2009

Checklist - What is personal information?

> **This resource does not reflect the current law.**
>
> **It highlights important changes to the *Information Privacy Act 2009*.**
>
> **This resource does not constitute legal advice and is general in nature only. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.**

Who should use this resource?

This Guideline will assist anyone who needs to determine if information is or is not personal information.

What is personal information?

Personal information[1] means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion; whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

What is the test for whether information is personal information?[2]

Determining if information is personal information involves a two-step process. **Step one** is to decide if the information identifies an individual. **Step two** is to decide if the information is *about* the individual.

The checklist in Appendix A is a guide developed to assist in applying this test. It is important to remember, however, that decisions about whether information is personal information should be made on a case-by-case basis in the circumstances and context specific to each situation.

---

[1] See section 12 IP Act for a definition of personal information

[2] The test is set out in *Mahoney v Ipswich City Council* (Unreported, Queensland Information Commissioner, 17 June 2011). 'About' is also discussed in *Privacy Commissioner v Telstra Corporation Limited* [2017] FCAFC.

APPENDIX A

Step One: Can an individual be identified from the information?

	Yes	No
Is the identity of an individual **apparent** from the information?		
Note: Information which contains an individual's name will generally identify them. Even if a name is not present other information, such as a photograph or a detailed description, may also identify an individual.		

If you answered **yes** to this question, go to step 2. If you answered **no**, continue to the next question.

	Yes	No
Is the individual **reasonably identifiable**?		
Note: Information can be personal information even if an individual's identity is not apparent, as long as they can be reasonably identified by reference to other information.[3] Relevant factors in determining if an individual is reasonably identifiable can include: • whether the additional information is reasonably available or would be difficult to obtain • the number of steps required to link the identity of the individual with the additional information • how certain the identification will be • whether it will allow a specific individual to be identified or simply a group of people.[4]		

> If you answered **NO** to both questions above, the information is **not personal information**.
>
> If you answered **YES** to either of the above questions, the information **may be personal information**. Continue to step two.

---

[3] *WL v La Trobe University* [2005] VCAT 2592

[4] Mahoney, page 4. Also see OIC Guideline What is personal information?

Step Two: Is the information *about* the individual?

	Yes	No
Is the information **obviously** about the individual?		

Some information is very clearly **about** an individual – for example, an individual's name, date of birth, medical or health information, bank account details or salary. Generally, the presence of an individual's name in a document is sufficient to make it personal information.

If you answered **yes** to this question, please go to the bottom of the page. If you answered **no**, continue to the next question.

	Yes	No
Does the information **reveal** a fact or opinion about the individual?		

Note: The answer to this question is directly related to the **context** in which the information is presented. When information is not **obviously** about an individual, it is necessary to consider whether the information reveals something about the individual.

Is there a sufficient link, or connection, between the information and the individual, to make it that individual's personal information, for example, if the information reveals a fact about a **thing**—such as a business, an animal, or a piece of land— does that fact reveal a fact or opinion about the individual?

Examples:

- A report states that Council will resume the property at number 37 Mary Street to widen the intersection. This is personal information of the owner of 37 Mary St because it reveals a fact about the land—it is going to be resumed—which reveals a fact **about** the individual—they are going to lose their land.

- A file note states that Council is considering ten different locations for the placement of a new road, all of which would require land resumption. This is not personal information, as the fact about each piece of land—there is a possibility that the Council may at some future point decide to resume one or more of those ten properties—does not reveal a fact or opinion **about** the property owners, because the *possibility* of resumption does not have a sufficient connection with an individual.

If you answered **NO** to both questions above, the information is **not personal information**.

If you answered **YES** to either of the above questions, the information **is personal information** and must be handled in accordance with the IP Act.

For additional IPOLA assistance, please contact the IPOLA team by email IPOLA.Project@oic.qld.gov.au

For information and assistance on current legislation, please refer to the OIC's guidelines, or contact the Enquiries Service on 07 3234 7373 or by email enquiries@oic.qld.gov.au

Published February 2025 and Last Updated February 2025