



Information Sheet

INFORMATION SHEET *Information Privacy Act 2009*

Accessing personal information from government – a guide for researchers

Government information can be a valuable resource for people conducting research. It is consistent with Queensland government policies on open data and the push model of the *Right to Information Act 2009* (Qld) that this information be made available to the greatest extent possible. However, where this information is about individuals, the *Information Privacy Act 2009* (Qld) (**IP Act**) contains rules about when government can provide this information to researchers.

Public interest research and the IP Act

The IP Act requires that Queensland government agencies manage information about individuals—personal information—in accordance with the privacy principles. The privacy principles set out the rules for collection, security, use and disclosure of personal information.

The rules about disclosure explicitly address the issue of personal information and research.¹ They allow, but do not require, a Queensland government agency² to disclose personal information to someone who can use it to conduct research without getting each individual's permission if:

- it is not practicable to seek the agreement of each individual
- the contemplated research will clearly benefit the public
- the requested information is necessary for the research
- the final product of the research will not identify anyone³; and
- the agency ensures the researcher will protect the personal information from unauthorised access, loss, theft, or any other misuse.

These rules do not require an agency to provide the information and they do not override other laws⁴ which may prohibit the disclosure of information.

¹ Queensland Privacy Principle 6 (QPP 6); these sections refer to 'research and the compilation of statistics'.

² In this information sheet references to an 'agency' also include Ministers and bound contracted service providers, unless otherwise specified.

³ The OIC guideline *Privacy and de-identified data* may be useful to researchers.

⁴ Some agencies are subject to confidentiality laws that prohibit the release of information and these override the privacy principles.



Office of the Information Commissioner
Queensland

Requesting personal information to conduct research

A researcher seeking personal information from a Queensland government agency will need to give the agency enough information about the research project to allow the agency to assess whether it fits the requirements listed above. The agency may require the researcher to sign a deed of confidentiality or other agreement, requiring them to protect any information they receive. Even if the agency is satisfied that all the IP Act requirements are met, it may still choose not to provide the information; the power in the IP Act is entirely discretionary.

For additional information and assistance please refer to the OIC's Privacy Principles guidelines, 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 enquiries@oic.qld.gov.au.

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