

Office of the Information Commissioner

Information Privacy Act 2009 (Qld)

Information Privacy Act Delegation (No. 1) 2024

1 Citation

This delegation may be cited as the *Information Privacy Act Delegation (No. 1) 2024*.

2 Definitions

For the purposes of this delegation—

Act means the *Information Privacy Act 2009*

Office means the Office of the Information Commissioner

Privacy principles means the obligations in Chapter 2 of the Act

QCAT means the Queensland Civil and Administrative Tribunal.

3 Commencement

This delegation shall commence on the day it is executed.

4 Power to Delegate

This delegation is made under section 139 of the Act.

5 Powers Delegated

The powers or functions, including any incidental powers, of the Information Commissioner referred to in Column 1 of the Schedule are delegated to the holder of the position and the person acting in the position from time to time, referred to in Column 2 opposite the power.

6 Entire Document

This delegation is comprised of five (5) pages including the Schedule.

7 Delegation

This delegation is made by Stephanie Winson, Information Commissioner (Acting).

Signed:



Stephanie Winson
Information Commissioner (Acting)

Date: 28 March 2024

Schedule

Column 1 Power/Function	Column 2 Position
Section 101(1)(d) allow longer period to make application for external review	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 102(3) allow a person affected by a decision to participate in the external review as directed	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 103(3) suspend external review to allow participants to negotiate settlement	Right to Information Commissioner
Section 103(4) issue notice to participants that the external review is complete	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 106(2) allow further time for agency or Minister to deal with the access application, with conditions	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 107(1) decided not to review or continue to deal with application	Right to Information Commissioner
Section 108(2) give directions as to the procedure to be followed on the external review	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 110 allow oral submissions with participants given an opportunity to appear and be represented	Right to Information Commissioner
Section 111 make inquiries of the applicant or the agency or Minister	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer Support Officer Chief Operating Officer Business Services Manager Senior Business Services Officer

Schedule Continued

Section 112 require the agency or Minister to give an additional statement to applicant and commissioner	Right to Information Commissioner Assistant Information Commissioner
Section 114 require the agency or Minister to give the information in a written form	Right to Information Commissioner Assistant Information Commissioner
Section 115 require an agency or Minister to conduct a further search for the document	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 116 give written notice requiring a person to produce a document and or attend before the commissioner to answer question	Right to Information Commissioner
Section 117 examine a person under oath or affirmation	Right to Information Commissioner
Section 118(1) review any decision in relation to the access application and decide any matter that could have been decided by an agency or Minister	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner.
Section 121 give directions to avoid disclosure and to receive evidence and hear argument about non disclosure	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner and/or Assistant Information Commissioner
Section 122 direct disclosure of documents	Right to Information Commissioner Assistant Information Commissioner
Section 123 make a written decision on external review and give a copy to each participant	Right to Information Commissioner Assistant Information Commissioner Principal Review Officer in Consultation with RTI Commissioner.
Section 124 correct obvious error in decision	Right to Information Commissioner
Section 126 bring evidence of breach of duty or misconduct for consideration of disciplinary action	Right to Information Commissioner
Section 157 give an approval to waive or modify the agency's obligation to comply with the privacy principles	Privacy Commissioner
Section 158 give an agency a compliance notice for a breach of the privacy principles	Privacy Commissioner

Schedule Continued

Section 159 amend a compliance notice to extend time to take required action	Privacy Commissioner
Section 165(3) inform the relevant entity (the respondent) of the complaint	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer Senior Privacy Officer Privacy Advisor Privacy Officer
Section 166(2) give reasonable help to an individual to put their complaint in writing	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer Senior Privacy Officer Privacy Advisor Privacy Officer
Section 167 make preliminary inquiries of the complainant and respondent to determine if the Commissioner is authorised to deal with the complaint, and whether the Commissioner may decide to decline the complaint	Privacy Commissioner Assistant Commissioner, Privacy Senior Privacy Officer Principal Policy Officer Privacy Advisor Privacy Officer
Section 168(1) decline to deal with a complaint or part of a complaint	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer
Section 168(2) decline to continue dealing, with a complaint or part of a complaint	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer
Section 169 refer a complaint to another entity (Ombudsman, Health Quality and Complaints Commission, another jurisdiction's entity with the power to deal with privacy complaints)	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer Senior Privacy Officer Privacy Advisor
Section 171(1) decide whether a complaint is suitable for mediation	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer Senior Privacy Officer Privacy Advisor
Section 171(2) take all reasonable steps to cause the complaint to be mediated	Privacy Commissioner Assistant Commissioner, Privacy Senior Privacy Officer Principal Policy Officer Privacy Advisor Privacy Officer

Schedule Continued

Section 172 certify a mediated agreement	Privacy Commissioner Assistant Commissioner, Privacy
Section 175 give written notice to the parties that chapter 5, part 4 applies and why, and that the Commissioner will, if asked by the complainant, refer the complaint to QCAT	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer
Section 176 refer a complaint to QCAT	Privacy Commissioner Assistant Commissioner, Privacy Principal Policy Officer
Section 197(1)(4) decide on reasonable grounds that a person has information relevant to issuing a compliance notice or the mediation of a privacy complaint, and to issue a written notice that they provide information in writing or in person	Privacy Commissioner
Section 197(5) administer an oath or affirmation for the provision of information under 197(4) and examine the person on oath or affirmation	Privacy Commissioner