



Interpreting the legislation – *Information Privacy Act 2009*

Key Privacy Concepts – generally available publication

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1.0 Overview

The Key Privacy Concepts guidelines¹ explain important words and phrases used in the [Information Privacy Act 2009 \(Qld\)](#) (**IP Act**). They are intended to assist in the interpretation and application of the privacy principles in the IP Act.

2.0 Generally available publication

Schedule 1, section 7(a) of the IP Act provides that the privacy principles do not apply to a generally available publication. However, agencies collecting personal information for inclusion in what will **become** a generally available publication are still subject to IPPs 1-3 and NPP 1.

It is important to remember that **only** the personal information contained in the generally available publication is exempt from the privacy principles. If additional information is added to it, or it is linked to other personal information, a new set of personal information will effectively have been created. This new personal information will no longer be the same personal information contained in the generally available publication, which means it will be subject to the privacy principles.

3.0 References to a 'generally available publication'

- IPP 1
- IPP 2(1)
- IPP 3
- Schedule 1, Section 7(a)

¹ The key concepts are based on and draw from the Key Concepts in the Victorian Privacy Commissioner's *Guidelines to the Information Privacy Principles, volume 2*.



4.0 Meaning of 'generally available publication'

A generally available publication is a publication that is, or is to be made, generally available to the public, however it is published. A publication includes a book, magazine or newspaper, but a generally available publication is not limited to these. It is irrelevant whether there is a fee payable for access to the publication.

A generally available publication includes information that:

- is available on the internet
- is available for purchase from a government agency
- is contained in a model publication scheme, disclosure log, or an agency's published reports
- appears in a newspaper or magazine.

The primary criterion is that it is available to all equally, without having to establish standing or a special interest, with no limitations placed on its use or disclosure (apart from general copyright restrictions). For example, a report available on a website, a newspaper article or in a government gazette would constitute a generally available publication, as anyone may access them for any reason, but a birth certificate would not, one must demonstrate a sufficient interest in order to buy a copy.

Documents released to a person under the repealed *Freedom of Information Act 1992* (Qld), the [Right to Information Act 2009 \(Qld\)](#) or the IP Act would not constitute a generally available publication. However, information released on the web under the Model Publication Scheme or in a Disclosure Log would.

Hint

When dealing with personal information contained in a generally available publication, consideration should be given to the form in which it is available. Information contained in a published hard copy magazine, while it is a generally available publication, is protected to a certain extent. If the information is reproduced in, for example, an electronic format and placed on the internet, it is far more accessible and easily reused.

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

This guide 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.



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