



## Interpreting the legislation – *Information Privacy Act 2009*

### Key Privacy Concepts – law enforcement agency

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#### 1.0 Overview

The Key Privacy Concepts guidelines<sup>1</sup> 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 Law enforcement agency

The following sections of the IP Act refer to law enforcement agencies:

- section 29
- Information Privacy Principle 10
- Information Privacy Principle 11 (IPP 11)
- National Privacy Principle 2 (NPP 2)
- Schedule 2

*Law enforcement agency* is defined in schedule 5 of the IP Act.

IPP 11(1)(e) has a different, broader, definition of law enforcement agency, not limited to Queensland government agencies, than other sections of the IP Act which refer to *law enforcement agency*.

#### 3.0 Law enforcement agency for IPP 11(1)(e)

IPP 11(1)(e) allows an agency to disclose information to a law enforcement agency if the information is necessary for the enforcement agency's law enforcement functions.

<sup>1</sup> 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*.



Office of the Information Commissioner  
Queensland

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For IPP 11(1)(e), *law enforcement agency* has the same meaning as *enforcement body* in the *Privacy Act 1988* (Cth).<sup>2</sup> *Enforcement body* includes the Australian Federal Police, Customs, and any government body of the Commonwealth or of a State or Territory (including a Queensland body) with responsibility for revenue protection or for administering, or performing a function under, a law imposing penalties or sanctions.

NPP 2(1)(g) also refers to *enforcement bodies* under the *Privacy Act 1988* (Cth).

#### 4.0 Law Enforcement Agency otherwise

Other than for IPP 11(1)(e), a law enforcement agency is limited to specific Queensland government agencies. They include the Queensland Police Service under the [Police Services Administration Act 1990 \(Qld\)](#), the Crime and Misconduct Commission under the [Crime and Misconduct Act 2001 \(Qld\)](#), the Community Safety Department and any other agency to the extent it has responsibility for:

- functions and activities directed to the prevention, detection, investigation, prosecution or punishment or offences and other breaches of the law attracting penalties or sanctions
- the management of property seized or restrained under, or the enforcement of a law or of an order made under a law, a law relating to the confiscation of the proceeds of crime
- enforcement of or implementation of an order or decision made by a court or tribunal.

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](mailto: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](mailto:feedback@oic.qld.gov.au).

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<sup>2</sup> See <[http://www.austlii.edu.au/au/legis/cth/consol\\_act/pa1988108/s6.html](http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s6.html)> for the full definition of 'enforcement body'.