

Do the privacy principles apply to all public bodies?

No. The privacy principles apply only to Ministers, Queensland government departments, local government and public authorities. They do not apply to individuals, businesses, community groups or non-Queensland government agencies.

Special allowances for law enforcement agencies

Law enforcement agencies have extra flexibilities in the way they deal with personal information as long as those dealings are reasonably necessary for specific law enforcement activity.

A law enforcement agency can include a compliance unit within an agency.

When making a privacy complaint ensure that you provide sufficient details about the incident to enable the agency to properly deal with the privacy issues.

What should I do if I have a complaint about the way my personal information was collected, stored, used or disclosed?

If you believe a Queensland government agency has dealt with your personal information in a way that is not allowed under the Act, you can make a privacy complaint.

You must complain to the agency involved first. Contact the agency's privacy or complaints unit who will give you the correct contact details.

You should clearly indicate that you are making a privacy complaint. Give specific details about the Act or practice of the agency that you believe demonstrates that your privacy has been breached. The agency must be allowed the minimum period of 45 business days to deal with the complaint. An agency in consultation with the complainant, can request additional time to deal with the complaint.

What if I am not satisfied with the agency's response to my concerns?

If, after you have lodged a privacy complaint with the agency, you remain dissatisfied, you can lodge a privacy complaint with the Office of the Information Commissioner (OIC).

Complainants are encouraged to submit complaints using the online privacy complaint form. For more information visit the OIC's website www.oic.qld.gov.au

Further information

If you would like further information relating to an agency's dealings with your personal information you should contact the Privacy Officer within the agency.

Alternatively, OIC's Enquiries Service can be contacted between 8:30am-4:30pm, Monday-Friday on (07) 3234 7373 or by emailing enquiries@oic.qld.gov.au

PRIVACY RIGHTS

A quick guide to rights and responsibilities under the Information Privacy Act 2009 (Qld)



Government agencies routinely deal with 'personal information' when providing a service or benefit.

The flow of government-held information is regulated by the *Information Privacy Act 2009* and provides agencies with clear guidance on what they must and must not do when collecting, storing, using and disclosing personal information.

What is personal information?

Personal information is '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'.

Examples of personal information can include an individual's:

- date and place of birth
- political and religious beliefs
- financial, criminal or medical records
- work information.

Personal information can be text in a document, but it can also be a video, photograph or pictures drawn on paper.

An individual does not necessarily have to be named for information about them to be personal information. Sometimes the individual's identity will be reasonably ascertainable from the information itself.

Information is personal information if the identity of the individual is reasonably able to be worked out.

Collection, use and disclosure

Privacy is not about secrecy or even confidentiality. Privacy allows government agencies to use personal information when they deliver government services.

The information privacy principles that concern collection make no mention of consent or agreement. This means that government agencies are not obliged to obtain permission when collecting your personal information. However, if they are collecting personal information from you directly, they should tell you why they are collecting it and what will happen to it.

All Queensland government agencies are subject to the Queensland privacy principles in the IP Act. For specific Queensland Health information visit www.health.qld.gov.au/privacy

Personal information collected by government agencies must be:

- directly related to, and necessary for a lawful purpose or function of the agency involved
- relevant, up-to-date and complete
- collected lawfully and fairly
- stored safely and securely.

There are some exceptions which allow a government agency to use your personal information for another purpose.

The exceptions include but are not limited to:

- permitted or required under a law
- essential for law enforcement purposes

- likely to prevent or lessen a threat to the life, health or safety of an individual or to public health or safety
- the new purpose is directly related to the original purpose.

When requesting a service or benefit from Queensland government agencies you will often provide personal information. That agency may have a legitimate purpose for secondary use or disclosure of your personal information, e.g. through collection of additional personal information from another agency, in order to provide the benefit or service requested. This is usually detailed in the form you submit when requesting the service or benefit, e.g. workers' compensation claim or criminal history check.

Will my personal information be given to anyone else?

Generally, your personal information should not be disclosed to another person unless you have given permission.

However, there are situations where an agency can disclose your personal information to a third party, similar to the exceptions above.

When it collects personal information from you, the government agency should tell you who might be given access to your personal information.