



Interpreting the legislation – *Information Privacy Act 2009*

Key Privacy Concepts – Practicable and impracticable

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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 IPPs and NPPs which refer to 'practicable'

The word 'practicable' is used throughout the Information Privacy Principles (IPPs) and the National Privacy Principles (NPPs), in particular:

- IPP 2(4)
- IPP 10(1)(f)
- IPP 11(1)(f), IPP 11(4)
- NPP 1(3)
- NPP 8

2.1 NPPs which refer to 'impracticable'

The word 'impracticable' is also used throughout the principles, in particular:

- NPP 2(1)(c)
- NPP 2(5)
- NPP 9(3)(c)

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*.



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3.0 **Meaning of 'practicable'**

The Macquarie Dictionary defines 'practicable' as 'capable of being done' especially with the available means or with reason or prudence ie it is feasible to be done. Whether something is practicable or not will be determined having regard to all the circumstances.

It is not sufficient to consider something not practicable simply because it is inconvenient, difficult, or will increase costs. While these factors, and the severity of them, can be relevant when determining if something is or is not practicable, the fact that a practice is made slightly more onerous is not enough.

4.0 **When would something be 'impracticable'?**

Some of the factors that could make an action impracticable are where meeting the standard or principles would:

- increase costs to an unworkable extent, such that a project or action in the public interest could not be undertaken – if the project or action will primarily or only benefit an agency, this may not be a valid consideration
- render a legitimate and lawful action pointless, such as provision of a collection notice when collecting information covertly as part of a law enforcement investigation
- make a legitimate action in the public interest extremely difficult or impossible
- endanger the health or safety of an individual, or an investigation into a breach of the law
- be contrary to the public interest.

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.

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