

MEDIA INFORMATION SHEET

INFORMATION PRIVACY

FUNCTION

October 2017



Office of the Information Commissioner
Queensland

Initially established under the repealed Freedom of Information Act 1992 (Qld), the Office of the Information Commissioner (OIC) continues under the *Right to Information Act 2009* (Qld) (RTI Act) and the *Information Privacy Act 2009* (Qld) (IP Act) as Queensland's independent statutory body promoting access to government-held information and protecting people's personal information as held by the public sector.

OIC, in accordance with the IP Act, recognises the important obligation that Queensland public sector agencies have in ensuring the privacy of the personal information held by the government is respected.

The IP Act creates a right for individuals to access and amend their own personal information, and provides rules for how Queensland public sector agencies must handle personal information. OIC has a responsibility to assist agencies to comply with these rules.

Privacy Commissioner

The Privacy Commissioner's role is that of a deputy to the Information Commissioner.

The Privacy Commissioner performs the privacy functions of the Information Commissioner under the IP Act, including:

- dealing with privacy complaints
- conducting reviews of systemic privacy issues within the public sector
- issuing compliance notices to agencies found in breach of the privacy principles; and
- giving approvals to agencies for modification or waiver of their obligations to comply with the privacy principles in circumstances where there is an overriding public interest.

The Privacy Commissioner is appointed by the Governor-in-Council.

Privacy complaint mediation service

Under the IP Act, a person may make a privacy complaint to the Information Commissioner, if they believe their privacy has been breached by a Queensland government agency. The individual must first take their complaint to the agency concerned and allow an adequate amount of time for it to resolve the subject matter of the complaint. If that approach is not successful, the individual can lodge their complaint with OIC.

The Information Commissioner can decide to decline to deal with the complaint or refer the complaint to a more appropriate agency. Once a privacy complaint is accepted the Information Commissioner must take all reasonable steps to effect a resolution to the complaint by providing a mediation service.

If the complaint remains unresolved, the individual has an option to request their complaint be referred to the Queensland Civil and Administrative Tribunal for its determination and, as appropriate, orders.

Jurisdiction

The IP Act does not cover actions by individual citizens, private sector organisations or the community sector. If the organisation has an annual turnover of more than \$3M, the Commonwealth's *Privacy Act 1988* may cover its activities. This would include banking and telecommunication organisations.

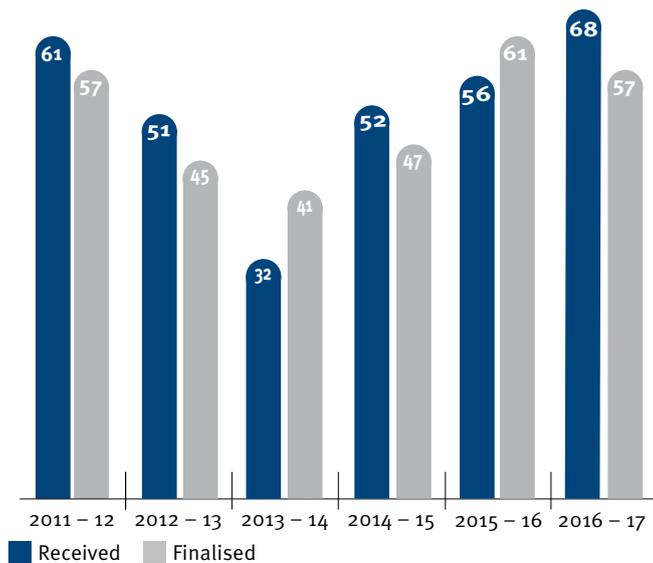
However, regardless of the size of the organisation, the *Privacy Act 1998* (Cth) does not cover private sector organisations which have been contracted to the Queensland State Government to provide government services.

There is the capacity in the IP Act to bind these organisations with compliance to the privacy principles in the IP Act.

Highlights of 2015–16

- We received 68 privacy complaints and closed 57 privacy complaints.
- 84% of privacy complaints were finalised in 2016-17.
- 100% of agencies were satisfied with the privacy service provided.
- 312 advice, consultations and submissions were achieved.
- We participated in 239 meetings, regional visits and information sessions.

Number of privacy complaints received and finalised



About the Privacy Commissioner

Philip Green

Philip Green was appointed to the position of Privacy Commissioner, Office of the Information Commissioner in December 2015.

Philip has worked in many different Queensland Government roles and in private practice throughout his career. Prior to his appointment as Privacy Commissioner, he was Executive Director, Small Business - Department of Tourism, Major Events, Small Business and the Commonwealth Games and has held this role since 2008. He was responsible for leading Innovation

Policy and Innovation Partnerships and Services and Office of Small Business Teams in the delivery of high level policy development, program management, service delivery and advice.

Philip has also held high level policy roles with the Department of Transport and Department of Premier and Cabinet. He has worked as in house solicitor and investigations manager for the Residential Tenancies Authority and in private practice with Allen Allen and Hemsley (formerly Feez Ruthning).

Philip holds degrees in law and arts (with economic minor) and was admitted as a solicitor of the Supreme Court of Queensland and High Court of Australia in February 1992. Further to this he completed a Masters degree in law, majoring in technology law and focusing on policy development surrounding intellectual property, privacy and commercialisation, information technology and regulation of the internet and media. Mr Green has also volunteered as a solicitor at Caxton Legal Centre.

Philip is appointed as Privacy Commissioner to 10 December 2018.

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