



Information Sheet

INFORMATION SHEET - *Information Privacy Act 2009*

Can I make a privacy complaint to OIC?

1. Does the act or practice which you are complaining about concern your personal information?

Generally, a person can only make a complaint about their own personal information. However:

- an agent (eg lawyer) may complain on behalf of a person
- a parent¹ may complain on behalf of a child.

2. Is your complaint about a Queensland government agency or its contracted service provider?

You can only complain about:

- an agency (such as Queensland Government Ministers, departments, local governments and public authorities)
- an organisation which an agency has contracted with to perform one or more of its services (contracted service provider).

You cannot complain to the Office of the Information Commissioner (OIC) about Government Owned Corporations², a member of the public, Commonwealth government agencies or private organisations.

You may be able to lodge your privacy complaint with the [Office of the Australian Information Commissioner](#) (OAIC)³ if the entity is subject to the Commonwealth *Privacy Act 1988*. If you wish to pursue your possible right to make a privacy complaint under the Commonwealth privacy legislation, we encourage you to first make inquiries with the OAIC to make sure it is able to deal with your complaint.

3. When did the act or practice which you are complaining about happen?

OIC may decline to deal with a complaint where 12 months or more has elapsed since you first became aware of the act or practice. If you wish to lodge a

¹ As defined in section 45 of the IP Act.

² Businesses owned by the Queensland Government that conduct activities and provide services in a commercially-oriented manner. Sectors in which Government Owned Corporations operate include energy, transport, funds management, port operations and water. A list of Queensland Government Owned Corporations is accessible at <https://www.treasury.qld.gov.au/economy/government-commercial-businesses/index.php>.

³ Accessible at www.oaic.gov.au.



Office of the Information Commissioner
Queensland

complaint about an act or practice that took place more than 12 months ago, please let us know the reason for the delay when lodging your complaint.

4. Have you complained to the agency that is the subject of your complaint?

Before you can bring a privacy complaint to OIC, you must first bring your complaint to the agency or its contracted service provider under its complaint management system.

It may assist the agency to direct your complaint to the business unit that is responsible for privacy complaints if you clearly state that you are making a privacy complaint under the IP Act.

5. Did you give the agency or contracted service provider 45 business days to respond to your complaint?

You must also allow the agency or its contracted service provider a minimum of 45 *business days* (about nine calendar weeks) to deal with the complaint. If after this time, you have not received a response, or you receive a response that you consider is not adequate, you can bring your complaint to OIC.

If you have received a response to your complaint within the 45 business day period and you are dissatisfied with it, it does not necessarily mean that you cannot take any further action until the 45 business day period has elapsed. Contacting the agency and explaining why you are dissatisfied with their response may result in further resolution discussions.

For additional information and assistance please refer to [What to expect when you bring a privacy complaint to OIC – a guide for complainants](#) and the [Make a privacy complaint - online form](#) or contact the Enquiries Service on 07 3234 7373 or email enquiries@oic.qld.gov.au.

This information sheet 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 enquiries@oic.qld.gov.au

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