

## Information Privacy Guide



## Introduction

The [Information Privacy Act 2009](#) (IP Act) provides for the fair collection and handling of personal information by all Queensland Government agencies. These obligations are set out in Chapter 2 and the Information Privacy Principles (IPPs) under Schedule 3 of that Act

The IP Act also provides a formal way for a person to apply to access or [amend their own personal information](#). This process, which is set out in chapter 3 of the IP Act, is intended to be a last resort as the department encourages [administrative release](#) and informal [amendment of personal information](#) wherever practicable. Personal information is defined in the IP Act as:

*"...information or an opinion, including information or opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion."* Basically, **personal information is any information about an identifiable person.**

## Purpose

In accordance with Information Privacy Principle 5 ([IPP5](#)), this guide provides general information on:

- the types of personal information contained in documents held by the department
- the purposes and functions related to the departments collection, use and disclosure of personal information to
- how you can access documents containing your own personal information

This guide also informs you how to make a complaint about the department's handling of your personal information.

## Our key functions

The department has a key role in growing Queensland's economy by driving economic growth and job creation through innovation, tourism industry development and major events.

The department is comprised of three key areas:

- Tourism Industry Development
- Office of the Commonwealth Games
- Innovation

These areas work with the portfolio entities of Tourism and Events Queensland and the Gold Coast 2018 Commonwealth Games Corporation to deliver outcomes for Queensland.

## Legislation administered by the department

The department administers the:

- *Commonwealth Games Arrangements Act 2011*
- *Major Events Act 2014*
- *Tourism and Events Queensland Act 2012*
- *Trade and Investment Queensland Act 2013 (to the extent that it is relevant to international education and training)*
- *Queensland Wharf Brisbane Act 2016 (Chapter 5, Part 1)*
- *Traveller Accommodation Providers (Liability) Act 2001*

In accordance with the latest [Administrative Arrangements Order](#)

## Our commitment to the responsible management of personal information

We are committed to ensuring that personal information is managed in accordance with the privacy principles. In doing so, we will ensure:

- the personal information of our clients and employees will be responsibly and transparently collected, managed, used and disclosed in accordance with the eleven Information Privacy Principles (IPPs)
- personal information will be disclosed to other entities (including agencies, other levels of government or the private sector) responsibly and transparently
- information will only be transferred outside of Australia in accordance with section 33 of the IP Act
- all reasonable steps will be taken to bind contracted service providers to the IPPs under section 35 of the IP Act if they are dealing in any way with personal information on our behalf.
- privacy breaches and complaints will be dealt with in a timely and responsive

manner and complainants will be treated with respect throughout the process

- we will comply with the conditions of any public interest approvals issued by the Information Commissioner under section 157 of the IP Act.

### **The type of personal information contained in our documents**

In delivering its business, the department collects a vast amount of customer and employee personal information.

We collect, manage, use and disclose personal information in accordance with various legislation, policies, procedures and administrative reasons in the course of our day-to-day activities.

The department also manages registers containing personal information, which include, but are not limited to:

- Gifts and benefits register
- Corporate records/financial management records
- Consultant/contractor/supplier records

Personal information is also held on files related to business and service delivery functions of the department.

### **Personal information dealt with under the Business and Corporate Partnership**

The department participates in a business and corporate partnership (B&CP) service delivery model with five other Queensland Government departments.

A Memorandum of Understanding (MOU) is in place regarding the transfer of personal information between the departments for the provision of specified business and corporate services. The MOU sets out the responsibilities of the participating departments when doing so.

Most importantly, the MOU specifies that the supplying agency does not lose control of the information it transfers to the receiving agency, as they agree to deal with it in a certain way and to return or lawfully destroy it on request.

It is important to note:

- the MOU only applies to personal information transferred between the agencies in relation to services provided under the B&CP arrangement
- use of the personal information is only for the function for which it has been transferred and must comply with the [limits on use of personal information](#) under the IP Act
- the agencies must continue to abide by any other legal limitations attached to the service provision in relation to the personal information
- the MOU does not provide for transfers of personal information between the agencies for purposes other than those established under the B&CP arrangement.

### **How you can request to access or amend your personal information**

The right of access to and amendment of personal information is dealt with under IPPs 6 and 7 of the IP Act.

### **Access to documents containing personal information**

[IPP 6](#) provides that a person is entitled to access any record that contains their own personal information, except where access is restricted by any law. This includes the provisions in Chapters 3 of both the *Right to Information Act 2009* (RTI Act) and the IP Act.

The department endeavours to provide administrative access to personal information informally, without requiring a person to make a formal application under the RTI or IP Acts.

However, in some situations administrative access will not be appropriate, and you may need to make an application under the RTI or IP Act. (For example, if a third party's personal information is also involved).

### **Amendment of documents containing personal information**

[IPP 7](#) provides for an individual to seek an amendment of any record that contains their personal information, and that personal information is inaccurate, incomplete, out of date or misleading.

Applications can only be made by the individual (or their agent) seeking amendment of their own personal information, or of a deceased person to whom they are next of kin. If an agent, acting on behalf of an applicant, applies for access to or amendment of documents containing personal information of the applicant, then the agent must provide [evidence of authority and identity](#).

### **Applications for access to or amendment of personal information**

Requests for documents or amendment of personal information under the RTI or IP Acts must be made on the prescribed statutory forms, copies of which are available at [www.rti.qld.gov.au](http://www.rti.qld.gov.au).

Prior to lodging an access or amendment application for personal information held by this department, please contact RTI and Privacy for advice:

Telephone: (07) 3333 5333

Email: [privacy@ditid.qld.gov.au](mailto:privacy@ditid.qld.gov.au)

### **How you can complain about our handling of your personal information**

A privacy complaint is a complaint made by an individual about an act or practice of a department in relation to that individual's personal information.

Privacy complaints should be made no longer than twelve months from the date when the act or practice subject of the complaint happened.

If you wish to lodge a privacy complaint, please:

- submit your complaint in writing
- state an address which we can use to contact you, and
- include details about the actions or practice you are complaining about.

Mark your complaint as Private and Confidential, and address it to:

Right to Information and Privacy  
Corporate Services  
Department of Innovation, Tourism  
Industry Develop and the Commonwealth  
Games

GPO Box 15168  
City East Qld 4002  
Email: [privacy@ditid.qld.gov.au](mailto:privacy@ditid.qld.gov.au)

The department will endeavour to respond to your concerns within 45 business days from the date your complaint is received.

However, in some circumstances, we may contact you with a view to requesting a longer period to finalise your complaint.

We will respond in writing, including any remedies that are considered appropriate to resolve the complaint.

### **What happens if you are not happy with the department's response to your privacy complaint?**

If you have made a privacy complaint to the department under the IP Act and you are not satisfied with the response you receive, you can refer your privacy complaint to the Office of the Information Commissioner (OIC).

**Please note** that your privacy complaint can only be referred to the OIC after 45 business days has lapsed from the date the complaint was received by the department.

Visit the [OIC website](#) for more information about [privacy complaints](#)

### **Further information**

All authorised Queensland legislation and related information is available from: [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

For general enquiries on the operation and application of RTI and IP legislation in Queensland, please contact the OIC enquiry service by:

Phone: (07) 3234 7373

Fax: (07) 3405 1122

Email: [enquiries@oic.qld.gov.au](mailto:enquiries@oic.qld.gov.au)

Website: [www.oic.qld.gov.au](http://www.oic.qld.gov.au).