The *Information Privacy Act 2009* (Qld) (IP Act) regulates how government agencies, including the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the department), must collect, manage, use and disclose personal information.

This document is prepared in compliance with the department’s obligation under Information Privacy Principle (IPP) 5 to take reasonable steps to ensure that people can find out:

* if the department controls any documents containing personal information
* the type of personal information in those documents
* the main purposes for which that personal information is used
* how a person may access their own personal information.

## What are the department’s obligations under the IP Act?

The IP Act:

* creates an obligation on the department to comply with 11 IPPs (section 27 of the IP Act)
* regulates when personal information may be transferred outside of Australia
* outlines the department’s obligations regarding contracted service providers.

Collectively the IPPs and other obligations are referred to as ‘privacy principles’.

**What is personal information?**

Personal information is defined in section 12 of the IP Act as:

*Information or an opinion, including information or an 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 reasonably be ascertained, from the information or opinion.*

Personal information may be stored in many formats, including hard copy (e.g. paper, photograph, video/audiotape) or electronic (e.g. in an electronic database or digital format).

**What are the IPPs?**

The 11 IPPs set out the department’s obligations for how personal information must be managed. The IPPs deal with:

IPP 1: Collection of personal information (lawful and fair)

IPP 2: Collection of personal information (requested from individual)

IPP 3: Collection of personal information (relevance etc.)

IPP 4: Storage and security of personal information

IPP 5: Providing information about documents containing personal information

IPP 6: Access to documents containing personal information

IPP 7: Amendment of documents containing personal information

IPP 8: Checking of accuracy etc. of personal information before use by agency

IPP 9: Use of personal information only for relevant purpose

IPP 10: Limits on use of personal information

IPP 11: Limits on disclosure.

The full details of these IPP’s can be found at **Appendix 1**.

**Obligations regarding contracted service providers**

Where the department enters into a contract or other arrangement for the provision of services relating to the performance of departmental functions which deal with personal information, the department must take all reasonable steps to bind the service provider to comply with the privacy principles. If it does not do so, the department may be liable for any privacy breaches by the service provider.

**Transferring personal information overseas**

The IP Actalso regulates the transfer of personal information to entities outside Australia. This is relevant if personal information is stored on computer networks and servers outside Australia (e.g. some cloud-based service providers are located overseas).

Under the IP Act, the department may transfer personal information outside Australia only if it complies with the various requirements set out in section 33 of the IP Act, including:

* the person has agreed to the transfer of their personal information, or
* the transfer is authorised or required under a law, or
* there are reasonable grounds to believe the transfer is necessary in order to prevent or lessen a serious threat to someone’s life, health, safety or welfare, or
* the department is satisfied that the information will be subject to privacy protections that are substantially similar to the IPPs and has taken reasonable steps to ensure that the information will not be treated in a way inconsistent with the IPPs.

**Documents to which privacy principles do not apply**

Documents to which the privacy principles do not apply include:

* generally available publications
* documents held in a library, art gallery or museum for reference, study or exhibition
* public records under the *Public Records Act 2002* in the custody of Queensland State Archives that are not in a restricted access period under that Act
* a letter, or anything else, while it is being transmitted by post
* a document to the extent it contains personal information—
	+ arising out of or in connection with certain covert activity (e.g. operations under the *Police Powers and Responsibilities Act 2000* or the *Crime and Corruption Act 2001,* or warrants under the *Telecommunications (Interception and Access) Act 1979* (Cth))
	+ relating to witness protection under an Act
	+ relating to disciplinary actions or misconduct (e.g. under the *Police Service Administration Act 1990,* the *Crime and Corruption Act 2001)* or public interest disclosures under the *Public Interest Disclosure Act 2010*
	+ subject to the Cabinet and Executive Council exemption in the *Right to Information Act 2009* (RTI Act)
	+ arising out of a commission of inquiry.

## About the department

**Strategic Areas**

The four main strategic areas within the department are Seniors, Disability Services, Aboriginal and Torres Strait Islander Partnerships and Corporate Services. A snapshot of these areas of the department is provided below. More details about their functions and services are found in **Appendix 2** of this guide.

1. **Seniors**

The department delivers programs and services for seniors that reduce the cost of living, enhance wellbeing, support participation, and prevent and address elder abuse. The department does this by promoting age-friendly communities that support seniors to be active and connected, and to contribute economically, socially and culturally to their communities.

1. **Disability Services**

The department supports and advocates for people with disability, working in partnership with the disability sector to create an all-abilities Queensland and supporting operation of the National Disability Insurance Scheme (NDIS) to ensure it delivers positive outcomes for Queenslanders with disability. The department's Disability and Seniors Connect team provides the oversight and advocacy to deliver on the sector’s strongest demand for people with disability—nothing about us without us.

Accommodation Support and Respite Services (AS&RS) offers supports for daily living for people with a primary diagnosis of an intellectual disability who have standard or high-support needs, to enable them to live as independently as possible.

The Forensic Disability Service (FDS) is a purpose-built, specialist, medium-security residential rehabilitation facility for up to 10 clients with complex needs. All clients of the FDS are subject to a forensic order (disability).

The department is committed to Queenslanders with disability and their families being able to take advantage of the full range of social and economic opportunities available in the state.

1. **Aboriginal and Torres Strait Islander Partnerships**

The department provides whole-of-government leadership to deliver a new way of working with Aboriginal and Torres Strait Islander Queenslanders, delivering real change and outcomes through a genuine partnership approach, to continue the journey to reconciliation. Path to Treaty and Local Thriving Communities are key initiatives that are giving effect to this reframed relationship. Key policy and program initiatives are being undertaken in the areas of:

* policy co-design across government
* employment, economic participation and business support
* land tenure resolution, home ownership, housing and land development in remote communities
* integrated infrastructure coordination and delivery in remote communities
* cultural heritage and cultural recognition
* cultural capability and engagement
* reconciliation, voice, truth telling and the Path to Treaty
* community and personal histories services.
1. **Corporate Services**

The department is supported through a range of corporate services (e.g. finance, human resources) that support and enable it to deliver a vast range of departmental services and initiatives. Corporate Services provides strategic leadership and direction regarding the department’s corporate systems, policies and practices.

**Governing Legislation**

The department administers (or jointly administers) legislation relating to the delivery of its services and may deal with personal information when doing so. This legislation includes:

***Carers, Seniors and Disability Services***

* *Carers (Recognition) Act 2008*

The objects of this Act are to:

* recognise the valuable contribution by carers to the people they care for
* recognise the benefit, including the social and economic benefit, provided by carers to the community
* provide for the interests of carers to be considered in decisions about the provision of services that impact on the role of carers
* establish the Carers Advisory Council.
* *Disability Services Act 2006*

The objects of this Act are to:

* acknowledge the rights of people with disability including by promoting their inclusion in the life of the community generally
* ensure that disability services funded by the department are safe, accountable and respond to the needs of people with disability
* support the operation of the National Disability Insurance Scheme (NDIS) in Queensland and ensure the quality and safety of NDIS supports or services in the context of the national regulatory framework
* safeguard the rights of adults with an intellectual or cognitive disability including by regulating the use of restrictive practices by relevant service providers in relation to those adults:
	+ only where it is necessary to protect a person from harm
	+ with the aim of reducing or eliminating the need for use of the restrictive practices.
* *Forensic Disability Act 2011*

The purpose of this Act is to provide for the involuntary detention, and the care, support and protection, of forensic disability clients, while at the same time:

* + safeguarding rights and freedoms
	+ balancing rights and freedoms with the rights and freedoms of other people
	+ promoting individual development and enhancing opportunities for quality of life
	+ maximising opportunities for reintegration into the community.
* *Guide, Hearing and Assistance Dogs Act 2009*

The objects of this Act are to:

* assist people with a disability who rely on guide, hearing or assistance dogs to have independent access to the community
* ensure the quality and accountability of guide, hearing and assistance dog training services.

***Aboriginal and Torres Strait Islander Cultural Heritage, and Aboriginal and Torres Strait Islander Policy, Rights and Culture***

* *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*

This Act regulates a number of issues impacting on Aboriginal and Torres Strait Islander communities including: the establishment of Community Justice Groups, the establishment of Community Police Officers, entry to trust areas, and alcohol possession and consumption in community areas.

* *Aboriginal Cultural Heritage Act 2003*

The main purpose of this Act is to provide effective recognition, protection and conservation of Aboriginal cultural heritage.

* *Torres Strait Islander Cultural Heritage Act 2003*

The main purpose of this Act is to provide effective recognition, protection and conservation of Torres Strait Islander cultural heritage.

* *Family Responsibilities Commission Act 2008*

The objectives of this Act (which are primarily achieved through the operation of the Family Responsibilities Commission) are to:

* support the restoration of socially responsible standards of behaviour and local authority in Welfare Reform community areas
* help people in Welfare Reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community.
* *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*

The purpose of this Act is to recognise Ailan Kastom child rearing practice and establish a process for making applications for, and decisions about, the legal recognition of the practice.

## Collecting Personal Information

**What areas of the department collect personal information?**

Most areas of the department collect personal information of various types for the purposes of their service delivery, regulatory, legislative and administrative activities:

* Seniors(e.g. service delivery client information; elder abuse prevention; administration of various cards and concessions; information for inclusion in various databases; public consultation on policy and legislative processes; correspondence from stakeholders and members of the public)
* Disability Services (e.g. service delivery client information; information for inclusion in various databases; administration of worker screening; public consultation on policy and legislative processes; correspondence from stakeholders and members of the public)
* Aboriginal and Torres Strait Islander Partnerships (e.g. service and client related information collated across service and business functions, including: business and economic development, culture, discrete and remote communities, family and social programs and initiatives, grants, reconciliation and Tracks to Treaty; public consultation on policy and legislative processes; correspondence from stakeholders and members of the public; establishing and supporting committees) Information is stored in a variety of databases throughout regions and administrative areas. This would include, for example, the Youth Employment Program, business support, and procurement related activities under the Queensland Indigenous (Aboriginal and Torres Strait Islander) Procurement Policy.
* Corporate Services (e.g. human resources, staff support, finance, procurement, audits and compliance, and when the department hosts functions and events).

**What types of personal information does the department collect?**

The department collects and manages a wide range of personal information as part of performing its functions, which may include information about:

* clients and their family members
* departmental employees, including prospective employees, and contractors
* representatives of non-government service providers
* representatives of stakeholder organisations and members of advisory committees (that may be constituted from time to time)
* vendors, partners and service providers including representatives of organisations, Local and State governments, key community representatives and business contacts.

Types of personal information collected may include:

* name and contact details
* date of birth
* signature
* photograph
* financial/bank details
* unique identifying numbers (e.g. tax file number, driver licence number)
* cultural background
* family and relationship details
* medical/health/diagnostic information
* educational needs and service provision needs
* occupation and employment history. Outside of normal departmental staff/personnel employment processes and associated data capturing exercises, the department also collects personal information (including occupation and employment histories) from prospective job seekers entering the Youth Employment Program. The Youth Employment Program’s Customer Relationship Management (CRM) System is used to store and manage candidate information and to assist with the process of identifying opportunities for job placement. Candidates who enter the program sign a client consent form with the understanding that certain client details can be shared within departmental regions and within the CRM and/or released in part to employers, when and where applicable
* details of office bearers in funded organisations
* details about persons making complaints, subjects of complaints and witnesses
* recruitment information, such as applications, curriculum vitae, referee reports, interview notes and selection panel assessments
* information about staff relevant to human resource management functions (e.g. leave entitlements, bank account details, superannuation information, pay scale)
* footage captured by camera surveillance systems in departmental premises.

**Website and emails**

When individuals visit the department’s website, the department’s web measurement tool and internet service provider records anonymous information for statistical purposes only, including:

* the type of browser, computer platform and screen resolution the individual is using
* the individual’s traffic patterns through the departmental site, such as:
* pages accessed and documents downloaded
* the page the individual visited prior to accessing the departmental site
* the IP address of the server accessing the departmental site.

The department’s web measurement software uses cookies when collecting this information. However, no attempt is made or will be made to identify individuals, or to use or disclose individual personal information, except where required by a law.

The department’s internet service provider or information technology staff may monitor email traffic for system trouble shooting and maintenance purposes only. The department will not add an individual’s name and address details to a mailing list, nor will the department disclose these details to third parties without the individual’s consent, unless required by law.

**Camera surveillance systems**

The department uses camera surveillance systems in some locations, including when situated in State Government buildings in regional or urban locales and at the Forensic Disability Service (FDS). Generally, this is done for safety and security reasons to enhance client, staff and visitor safety. There will be signs advising individuals if camera surveillance is in use.

If a person wishes to obtain a copy of footage which may include their image, they should notify the Governance, Planning and Reporting team as soon as possible, as the footage is generally only retained for a short period of time (e.g. 30 to 90 days). After that time, the recording is written over and generally cannot be retrieved. However, at the FDS where footage is required for evidentiary purposes (such as in relation to an allegation, investigation or complaint), footage is retained for one year after finalisation of an investigative process and any appeals process.

It is usually necessary to make a formal application under the *Right to Information Act 2009* or the IP Act for access to camera surveillance footage. The process for applying for information is discussed below. The FDS Operational Practice for CCTV states that a referral should be made to the Information Access and Amendment Team in the Right to Information, Privacy, Records Management and Redress Branch.

**Why does the department collect personal information?**

The department collects personal information about clients and others, in order to perform its functions and undertake its regulatory, legislative and administrative activities.

The department also collects personal information about staff and job applicants to perform its human resources functions. In addition, it holds records and registers that may contain personal information about consultants, contractors, financial management and policy consultations.

**Collection notices**

When collecting personal information from people, the department takes reasonable steps to explain to them why their information is being collected and whether the collection is required under a law, how their information will be used and whether it might be disclosed to anyone else. This information may be given in writing or verbally.

**Use and disclosure of personal information**

The department will only use and disclose personal information for the purpose for which it was collected, unless one of the exceptions applies.

For example, the department may use or disclose personal information for a different purpose if:

* the information will be used for a purpose that is *directly related* to the purpose for which it was collected (e.g. publishing the approved biographical information of committee members across different media)
* the person has expressly or impliedly consented to the proposed use or disclosure of their personal information such as with the job placement program to support Aboriginal peoples and Torres Strait Islander peoples who are completing high school and looking for work or considering further education
* the use or disclosure is *authorised or required under a law*, e.g. in the investigation of a criminal offence or in response to a court subpoena relating to a court action in which the department is involved, or has been informed of, as pertaining to the investigation of the suspected abuse of children, elderly or other vulnerable client groups
* the department is satisfied on reasonable grounds that the use or disclosure is necessary to lessen or prevent a *serious threat to the life, health, safety or welfare* of an individual or the public
* the department is satisfied on reasonable grounds that the use or disclosure is necessary for *law enforcement* processes or otherwise as authorised by another Act – State or Commonwealth
* the person is *reasonably likely to have been aware* that it is the department’s usual practice to disclose the information because they were told about it in a privacy notice
* the use or disclosure is for *research* in the public interest and certain requirements are met.

**Access to personal information**

A person can ask for their personal information using one of the department’s administrative access schemes, or by making a formal application under the IP Act or RTI Act.

If a person believes that the information recorded about them is inaccurate, incomplete, out of date or misleading, they can ask the department to amend it. This request can be made informally or under the IP Act. These processes are discussed below.

Personal information will not be disclosed to third parties, except as provided for by the IP Act and the RTI Act, or as required or authorised by other laws. When a person asks for access to information, the department will ask for evidence of their identity to ensure that their personal information is not disclosed inappropriately.

**Administrative access**

The department has administrative access schemes, which a person may be able to use instead of making a formal application under the IP Act or RTI Act. Details about how to use those schemes are available at www.dsdsatsip.qld.gov.au/about-us/right-information.

However, sometimes administrative access will not be appropriate, for example, if information about someone else is recorded with your information. In such cases, a formal application under the RTI or IP Act will be required because the documents will need to be redacted to remove third party information.

The Community and Personal Histories Unit provides access to a range of historical records under an administrative access scheme. Contact should be made with the Community and Personal Histories unit to discuss specific access requests and requirements.

**Formal applications for access**

There are no application fees or charges for access to personal information under the IP Act.

If a person wants information which is not their personal information, or if they want information about someone else, they must apply under the RTI Act and an application fee applies. There may also be access charges. For an application for access to be valid it **must**:

* be made in the prescribed form, either online (see link below) or in hard copy
* give enough information about the document/s the person is seeking to enable the documents to be identified
* be accompanied by evidence of the person’s identity
* provide an address (not email) to which notices under the IP Act can be sent.

A person may apply directly to the department by downloading the [Right to Information and Information Privacy access application form](http://www.rti.qld.gov.au/__data/assets/pdf_file/0005/133277/RTI-Access-App-form.pdf) and sending it to the Information Access and Amendment Unit (contact information below). Alternatively, they can apply using the Queensland Government’s [online application for access form.](https://www.smartservice.qld.gov.au/services/information-requests/apply.action)

Where documents contain a person’s personal information, they must provide evidence of their identity, to ensure that their information is not disclosed to anyone else. Certified copies of identification documents should be included with the access application.

**Amending personal information**

If a person believes that the information the department holds about them is incorrect, misleading, incomplete or out of date, they may ask for it to be amended. Alternatively, they can apply for amendment under the IP Act, using the [Personal Information Amendment Application](http://www.rti.qld.gov.au/__data/assets/pdf_file/0009/97335/attachment-4-approved-form-2ip_s.FH11.PDF) form.

**More information**

More information about how to apply for access to or amendment of personal information is available at www.dsdsatsip.qld.gov.au/about-us/right-information.

Alternatively, the Information Access and Amendment Unit can advise individuals about how to apply for access to their personal information (contact details on last page).

## Privacy Breaches and Complaints

Despite the department’s best efforts to protect a person’s information, privacy breaches may occur. A **privacy breach** occurs when personal information is not handled in accordance with the IP Act. It will generally involve unauthorised access to, or collection, use or disclosure of, personal information.[[1]](#footnote-1)

A person who believes that their personal information has not been handled in accordance with the IP Act may make a **privacy complaint**.

**What does the department do if there is a privacy breach?**

If the department becomes aware of a possible privacy breach, it immediately takes steps to:

* contain the breach
* evaluate the risks associated with the breach
* assess whether affected persons should be notified
* review what occurred and what action can be taken to prevent it happening again.

**Complaint and review procedures**

A privacy breach may lead to a **privacy complaint**. If a person believes that the department has not dealt with their personal information in accordance with the IP Act, they may contact the Governance, Planning and Reporting team (contact details below) to discuss their concerns, or they can make a privacy complaint.

**Making a privacy complaint**

Generally, the department will only accept privacy complaints which are made within 12 months after the person becomes aware of the matters about which they want to make a complaint.

Information privacy complaints must be made in writing using the [Privacy Complaint Form](https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/privacy/privacy-complaint-form.docx) and give particulars of the act or practice the person is concerned about. The department will require evidence of the person’s identity, to ensure that their personal information is not disclosed inappropriately.

Privacy complaints should be marked ‘Private and Confidential’ and forwarded to the address in the ‘Contact details’ section below.

Read more about the [department’s complaints process](http://www.dsdsatsip.qld.gov.au/contact-us/compliments-complaints)

**Complaints to the Office of the Information Commissioner (OIC)**

A person may make a privacy complaint to the Office of the Information Commissioner (OIC) if:

* at least 45 business days have passed since they complained to the department: and
* they have not received a response, or they have received a response but consider it is not an adequate response.

The Information Commissioner will not deal with a person’s complaint unless the person has first made a complaint to the department.

Details about the Information Commissioner’s privacy complaints process is available on the [Information Commissioner’s website](https://www.oic.qld.gov.au/about/privacy/privacy-complaints).

**Complaints to the Queensland Civil and Administrative Tribunal (QCAT)**

If a person is not satisfied with the outcome of the OIC mediation process, they may ask the OIC to refer the matter to the Queensland Civil and Administrative Tribunal (QCAT) for decision.

QCAT has published information about its privacy jurisdiction at [Right to information and privacy jurisdictions of QCAT](https://www.qcat.qld.gov.au/__data/assets/pdf_file/0012/101307/rti-and-privacy-jurisdictions-of-qcat.pdf).

## Contact details

**Information privacy**

Manager, Governance, Planning and Reporting

Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships

PO Box 15397, City East

Brisbane Qld 4000

Email: privacy@dsdsatsip.qld.gov.au

**Information access and amendment**

RTI, Privacy, Records Management and Redress
Department of Children, Youth Justice and Multicultural Affairs
Locked Bag 3405
Brisbane Qld 4001

Freecall: 1800 809 078

Phone: (07) 3097 5605
Fax: (07) 3097 5604
Email: rti@cyjma.qld.gov.au

## Appendix 1

## Information Privacy Principles (IPPs) (see Schedule 3 and Sections 26 and 27 of the Information Privacy Act 2009)

**IPP 1—Collection of personal information (lawful and fair)**

(1) An agency must not collect personal information for inclusion in a document or generally available publication unless—

(a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and

(b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.

(2) An agency must not collect personal information in a way that is unfair or unlawful.

**IPP 2—Collection of personal information (requested from individual)**

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

(2) However, this section applies only if the agency asks the individual the subject of the personal information for either—

(a) the personal information; or

(b) information of a type that would include the personal information.

(3) The agency must take all reasonable steps to ensure that the individual is generally aware of—

(a) the purpose of the collection; and

(b) if the collection of the personal information is authorised or required under a law—

(i) the fact that the collection of the information is authorised or required under a law; and

(ii) the law authorising or requiring the collection; and

(c) if it is the agency’s usual practice to disclose personal information of the type collected to any entity (the ***first entity***)—the identity of the first entity; and

(d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the ***second entity***)—the identity of the second entity.

(4) The agency must take the reasonable steps required under subsection (3)—

(a) if practicable—before the personal information is collected; or

(b) otherwise—as soon as practicable after the personal information is collected.

(5) However, the agency is not required to act under subsection (3) if the personal information is collected in the context of the delivery of an emergency service.

*Example—*

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

**IPP 3—Collection of personal information (relevance etc.)**

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

(2) However, this section applies to personal information only if the agency asks for the personal information from any person.

(3) The agency must take all reasonable steps to ensure that—

(a)the personal information collected is—

(i) relevant to the purpose for which it is collected; and

(ii) complete and up to date; and

(b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

**IPP 4—Storage and security of personal information**

(1) An agency having control of a document containing personal information must ensure that—

(a) the document is protected against—

(i) loss; and

(ii) unauthorised access, use, modification or disclosure; and

(iii) any other misuse; and

(b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.

(2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

**IPP 5—Providing information about documents containing personal information**

(1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—

(a) whether the agency has control of any documents containing personal information; and

(b) the type of personal information contained in the documents; and

(c) the main purposes for which personal information included in the documents is used; and

(d) what an individual should do to obtain access to a document containing personal information about the individual.

(2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

**IPP 6—Access to documents containing personal information**

(1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.

(2) An agency is not required to give an individual access to a document under subsection (1) if—

(a) the agency is authorised or required under an access law to refuse to give the access to the individual; or

(b) the document is expressly excluded from the operation of an access law.

**IPP 7—Amendment of documents containing personal information**

(1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—

(a) is accurate; and

(b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.

(2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.

(3) Subsection (4) applies if—

(a) an agency considers it is not required to amend personal information included in a document under the agency’s control in a way asked for by the individual the subject of the personal information; and

(b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).

(4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

**IPP 8—Checking of accuracy etc. of personal information before use by agency**

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

**IPP 9—Use of personal information only for relevant purpose**

(1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.

(2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

**IPP 10—Limits on use of personal information**

(1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless—

(a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or

(b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or

(c) use of the information for the other purpose is authorised or required under a law; or

(d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency—

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

(iii) the protection of the public revenue;

(iv) the prevention, detection, investigation or remedying of seriously improper conduct;

(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

(e) the other purpose is directly related to the purpose for which the information was obtained; or

 *Examples for paragraph (e)—*

1 An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.

2 An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.

(f) all of the following apply—

(i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;

(ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;

(iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

(2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

**IPP 11—Limits on disclosure**

(1) An agency having control of a document containing an individual’s personal information must not disclose the personal information to an entity (the ***relevant entity***), other than the individual the subject of the personal information, unless—

(a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency’s usual practice to disclose that type of personal information to the relevant entity; or

(b) the individual has expressly or impliedly agreed to the disclosure; or

(c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or

(d) the disclosure is authorised or required under a law; or

(e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

(iii) the protection of the public revenue;

(iv) the prevention, detection, investigation or remedying of seriously improper conduct;

(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

(ea) all of the following apply—

(i) ASIO has asked the agency to disclose the personal information;

(ii) an officer or employee of ASIO authorised in writing by the director-general of ASIO for this paragraph has certified in writing that the personal information is required in connection with the performance by ASIO of its functions;

(iii) the disclosure is made to an officer or employee of ASIO authorised in writing by the director-general of ASIO to receive the personal information; or

(f) all of the following apply—

(i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;

(ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;

(iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;

(iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

(2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.

(3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed by the agency.

(4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity’s marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that—

(a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and

(b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and

(c) the individual has not made a request mentioned in paragraph (b); and

(d) in each marketing communication with the individual, the relevant entity will draw to the individual’s attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and

(e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity’s business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.

## Appendix 2

## Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships - Strategic Areas

**Seniors**

The department is committed to improving outcomes for Seniors through a number of initiatives such as Elder abuse awareness, prevention and response services including:

* the Seniors Legal and Support Services, and Seniors Financial Protection Services, which provide free legal and social support for older Queenslanders experiencing elder abuse, mistreatment, neglect or financial exploitation, in various locations across Queensland
* the statewide Elder Abuse Prevention Unit and Helpline, which promotes the rights of older people to live free from abuse and provides free advice and assistance to anyone who experiences, witnesses or suspects the abuse of an older person
* providing access to information to service users through the Seniors Enquiry Line, including a consumer protection and scams advice service
* promoting inclusion and recognition for seniors in the community through awareness-raising activities, including Seniors Month.

The department also works with the Commonwealth Government and other states and territories in implementing a National Plan to Respond to the Abuse of Older Australians.

A key focus for the department includes support for Seniors through cost-of-living support via a number of cards, concessions and rebates. The department administers a range of Queensland Government concessions such as electricity, rates, water and gas. Holders of the Queensland Seniors Card or Seniors Card *+go*, and other Queenslanders on low or fixed incomes, can access cost-of-living assistance including concessions for electricity, reticulated natural gas, public transport, long distance rail, vehicle and boat registration, spectacles, dental, medical aids, life support, fishing permits and entry fees to Queensland Government museums and art galleries.

Other support is available for eligible Queenslanders to manage the cost of living by using their Seniors Card, Seniors Business Discount Card and Carer Business Discount Card. These cards can be used to access discounts at a large number of business outlets across the State.

**Disability Services**

The department is committed to supporting and advocating for people with disability, working in partnership with the disability sector to create an all-abilities Queensland and supporting the operation of the National Disability Insurance Scheme (NDIS), to ensure it delivers positive outcomes for Queenslanders with disability and for Queensland more broadly. The department's Disability and Seniors Connect team provides the oversight and advocacy to deliver on the sector’s strongest demand for people with disability—nothing about us without us.

Accommodation Support and Respite Services (AS&RS) offers supports for daily living for people with a primary diagnosis of an intellectual disability who have standard or high-support needs, to enable them to live as independently as possible. The Forensic Disability Service (FDS) is a purpose-built, specialist, medium-security residential rehabilitation facility for up to 10 clients with complex needs. All clients of the FDS are subject to a forensic order (disability).

The department is committed to Queenslanders with disability and their families being able to take advantage of the full range of social and economic opportunities available in the State. A number of initiatives of the department are outlined below:

* working with the Commonwealth Government to increase the participation of Queenslanders with disability in the NDIS, including the department chairing a Queensland Government inter-departmental oversight committee, which monitors the ongoing implementation of the NDIS in Queensland and other priority matters relating to disability reform
* working with the National Disability Insurance Agency (NDIA) to grow the NDIS market in areas where it has not developed as expected, and to identify opportunities for growth in the local workforce
* escalating NDIS related complaints and concerns received by the department to the NDIA or the NDIS Quality and Safeguard Commission for necessary action, including identifying potential systemic issues affecting Queensland NDIS participants
* implementing the nationally consistent NDIS worker screening system in Queensland, from 1 February 2021, which has strengthened safeguards for people with disability. The new system includes: the introduction of 'no card, no start’; a strengthened identity checking process; a stronger framework for disqualifying people; and a stronger decision-making framework that focuses on risk of harm to people with disability and considers a broader range of information
* supporting people with disability through the Disability Connect and Outreach Program’s Assessment and Referral Team to access the NDIS
* partnering with the Queenslanders with Disability Network to provide assertive outreach services to vulnerable Queenslanders who are hard to reach and often experience multiple layers of disadvantage. The Targeted Outreach Project (TOP) works to build trusting and positive relationships with clients and provide referrals to the Assessment and Referral Team for assistance in accessing the NDIS
* supporting various disability peak and representative bodies to provide support and advocacy services for people with disability.

**Aboriginal and Torres Strait Islander Partnerships**

The department provides whole-of-government leadership to deliver a new way of working with Aboriginal and Torres Strait Islander Queenslander; to deliver real change and outcomes through a genuine partnership approach, and to continue the journey to reconciliation. Path to Treaty and Local Thriving Communities are key initiatives that are giving effect to this reframed relationship. This includes key policy and program initiatives in the areas of:

* policy co-design across government
* employment and business development
* land tenure resolution, home ownership, housing and land development in remote communities
* integrated infrastructure coordination and delivery in remote communities
* cultural heritage and cultural recognition
* cultural capability and engagement
* reconciliation, voice, truth telling and the Path to Treaty
* community and personal histories services.

Examples of key initiatives include:

* *Local Thriving Communities Agenda*

The Queensland Government is committed to working with Aboriginal and Torres Strait Islander communities to increase community-led decision-making in service design and delivery through the Local Thriving Communities reform agenda. This includes remote and discrete communities and urban and regional areas across Queensland. Local Thriving Communities, which is delivering the Queensland Government’s response to the Queensland Productivity Commission inquiry into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities, aims to improve self-determination, service delivery, productivity, governance and economic opportunities for remote and discrete Aboriginal and Torres Strait Islander communities in Queensland.

* *Path to Treaty*

The department continues to work to reframe the relationship between Aboriginal and Torres Strait Islander communities and the Queensland Government through the Path to Treaty, which will invest in new ways of working and partnering together. This reform is a historic opportunity to build a future of shared equality and prosperity for all Queenslanders through the key actions of treaty-making and truth-telling. A non-statutory Treaty Advancement Committee has been established, as part of the government’s response to progress the Path to Treaty in partnership with Aboriginal peoples and Torres Strait Islander peoples, and will develop options and provide independent advice on how to progress treaty-making, building on the work done by the former Eminent Panel and Treaty Working Group.

* *Maximising job opportunities – Youth Employment Program*

The department works to maximise employment opportunities for Aboriginal and Torres Strait Islander Queenslanders by delivering the Youth Employment Program and providing post-job placement support and creating employment opportunities through social housing and infrastructure projects. Additionally, it supports the Queensland Indigenous (Aboriginal and Torres Strait Islander) Procurement Policy which provides a whole-of-government framework to increase procurement from Aboriginal and Torres Strait Islander businesses.

**Corporate Services**

Corporate Services supports the delivery of departmental services and initiatives by providing strategic leadership and direction for the department’s corporate systems, policies and practices. In particular, corporate services supports departmental staff by:

* delivering learning and development opportunities
* equipping them with better technologies
* running effective financial, funding and procurement, and human resource systems
* delivering governance, planning, risk and performance reporting services
* undertaking audit, compliance, and other reviews
* handling complaints, investigations, and information access requests
* managing the department’s facilities and delivering its capital projects.
1. The Governance, Planning and Reporting team only deals with information privacy breaches and complaints. If a person wants to make a complaint about a different type of privacy breach or about a human rights matter, they should contact the department’s [Complaints Unit](https://www.dsdsatsip.qld.gov.au/contact-us/compliments-complaints/how-give-us-your-feedback). [↑](#footnote-ref-1)