

Privacy guide

Department of Justice and Attorney-General

Edition 1 – February 2010

Privacy guide - Department of Justice and Attorney-General

Table of Contents

PURPOSE OF THIS DOCUMENT	2
DEFINITION	2
What does the department do?	2
What areas of the department collect personal information?.....	3
What sort of information does the department collect?.....	4
Why does the department collect information?	4
What does the department do with information?.....	5
How can individuals access information held by the department?	5

PURPOSE OF THIS DOCUMENT

The *Information Privacy Act 2009* (IP Act) commenced on 1 July 2009. The IP Act contains 11 Information Privacy Principles (IPPs) which apply to the Department of Justice and Attorney-General.

IPP 5 places an obligation on agencies to take steps to ensure that people are aware of the types of personal information held by an agency, why they are held, and how an individual can access their personal information.

This document is designed to meet the obligations imposed by IPP 5, and contains information about the structure of the department, the differing types of personal information held, the reasons such personal information is held, and how you may access your own personal information.

DEFINITION

Personal information is defined in section 12 of the *Information Privacy Act 2009* (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.

What does the department do?

The Department of Justice and Attorney-General is the government agency responsible for administering justice in Queensland and delivering services to ensure safe, fair and productive work environments.

The Justice portfolio consists of business units, and numerous government and statutory bodies and officers which provide services including:

- administration of the court system;
- administration of various tribunals and agencies established to protect Queenslanders' rights;
- community justice services;
- provision of legal advice to government;
- administration of justice business and executive support services; and
- support for a fair and equitable industrial relations system, safe work environments and improved electrical safety.

We work together to deliver an open and accessible justice system that protects and supports a fair and stable society based on the rule of law. Our wide and varied services help to build a safe, just and supportive society.

The department delivers diverse services through its courts and tribunals, legal and advocacy services and through a range of community-focussed programs, policies and services.

You can access a complete organisational chart [here](#).

What areas of the department collect personal information?

The department is divided into four key business areas. Each of these business areas is further divided into business units, many of which collect personal information in discharge of their day-to-day duties, including personnel and human resource information relating to their staff. The four key business areas are as follows:

- Justice Services provides high level prosecution and legal advice services on behalf of the State and works through the courts, community justice units and regional service centres to deliver high quality justice services to the public.

Many of these business units will collect personal information in the course of prosecuting criminal offences, conducting coronial inquiries, delivering legal services to government, collecting unpaid infringement notices and court ordered fines, training and monitoring Justices of the Peace and Commissioners for Declarations, and protecting and promoting rights of vulnerable adults and adults with a decision-making disability. Courts and tribunals are exempt from the IP Act, where they are discharging their judicial or quasi-judicial duties and functions.

- Office of Fair and Safe Work Queensland provides services to support a fair and equitable industrial relations system, safe work environments and improved personal and public electrical safety. More information on the units within this area – including Workplace Health and Safety Queensland, Electrical Safety Office, and Industrial Relations, can be accessed [here](#). These units will collect personal information in the course of investigating and prosecuting workplace and electrical safety incidents, administering and issuing certain work practice licences, and monitoring, investigating and resolving industrial relations practices, disputes and issues.
- Strategic Policy, Legal and Executive Services provides policy advice to the Minister, the Director-General, and other government agencies about all areas for which the Minister and department are responsible. More information on this business area can be accessed [here](#). The units within this business area may collect personal information for the purposes of preparing ministerial and departmental correspondence, and receiving public submissions generally and in response to discussion papers and draft Bills related to specific projects.
- Corporate Services oversees the day-to-day operations of the department providing advice on financial services, organisational capability, corporate communication and property services. Units within this business area generally discharge internal administrative and executive policy functions, and in the main only collect personal information relating to departmental officers.

What sort of information does the department collect?

The department collects personal information for a variety of statutory and administrative reasons. Typical collections include:

- human resource information relating to departmental officers;
- correspondence from the public;
- Right to Information (RTI) and *Information Privacy Act 2009* document access and personal information amendment applications;
- enquiries and applications for records and certificates administered by the Registry of Births, Deaths and Marriages;
- submissions, statements, and complaints concerning Workplace Health and Safety and Electrical Safety incidents;
- applications for high risk and electrical safety licences;
- enquiries, submissions and complaints regarding industrial relations, employment and wage conditions and entitlements;
- enquiries and applications for appointment as Justices of the Peace and Commissioners for Declarations;
- details of volunteers, visitors, committee members and statutory office holders;
- enquiries, correspondence and submissions relating to matters concerning vulnerable adults and adults with a decision-making disability; and
- applications for employment with the department.

The types of personal information collected will vary, but commonly include mailing, residential and contact details (including email addresses and mobile telephone numbers), references, employment details, and financial and banking details (particularly in relation to infringement notice and fine enforcement operations undertaken by the State Penalties and Enforcement Registry).

Why does the department collect information?

The department collects personal information that is necessary for its functions of reform, administration and enforcement of the law and related administrative purposes. The department takes reasonable steps to explain why personal information is collected, what is done with it, whether any law requires it and other entities to which it may be disclosed.

What does the department do with information?

The department uses and discloses personal information for the purposes the information was collected, for example, administering and issuing certain licences, conducting wage audits, administering the appointment of Justices of the Peace and Commissioners for Declarations, investigating workplace health and safety incidents, or responding to enquiries from the public. The department may also be authorised by law (the IP Act, and often other laws) to use or disclose personal information for another reason.

The department may obtain a person's agreement or consent to use or provide personal information to another organisation for a particular reason. On other occasions, the department may be legally required or authorised to use or disclose personal information for alternative purposes, such as in response to a court subpoena or a statutory notice to produce information.

How can individuals access information held by the department?

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

In some situations informal access will not be appropriate, and an individual will have to make an application under the RTI or IP Act. (For example, if a third party's privacy is involved).

To discuss a request for access to personal information, or to find out details of personal information the department holds on you, you may contact the Department of Justice and Attorney-General's RTI and Privacy Unit on 3239 3439.

Requests for documents or amendment of personal information under the RTI or IP Acts must be made in the prescribed statutory forms, copies of which are available at www.rti.qld.gov.au.

For more information on information privacy and information access generally, contact the Office of the Information Commissioner on (07) 3234 7373, or visit www.oic.qld.gov.au.