

Fact Sheet – Privacy

Protecting your Privacy

Like most areas of government, the Department of Justice and Attorney-General is required to collect and use personal information as part of its day to day activities.

The *Information Privacy Act 2009* regulates how Queensland Government agencies handle this personal information.

The *Information Privacy Act 2009* requires that personal information held by the Department of Justice and Attorney-General be collected, stored, used and disclosed in accordance with the eleven Information Privacy Principles.

What is personal information?

Personal information is opinion or information about a person, whether true or false, that identifies or could identify the person. Personal information may include:

- name
- date and place of birth
- race or ethnicity
- religion
- financial details
- medical information.

Sometimes personal information can reveal a person's identity even if their name is not mentioned.

What does the *Information Privacy Act 2009* mean?

You can expect the department to collect and manage your personal information in accordance with the Information Privacy Principles.

A summary of the eleven Information Privacy Principles (IPPs)

1 Manner and purpose of collection

The information must be necessary for the agency's function and collected fairly and lawfully.

2 Seeking information directly from the individual

The agency must tell you the purpose of the collection, any laws which give them authority to collect the information and who they usually disclose or give the information to.

3 Collecting information generally

The information must be relevant, up-to-date and complete. The collection must not be unreasonably intrusive.

4 Security and storage

Outlines how the agency must keep your information safe.

5–7 Access and amendment

These principles require agencies to take certain steps to give you access to personal information they hold about you and amend information in certain circumstances.

8–10 Use principles

These principles outline the rules about keeping accurate, complete and up-to-date personal information; using information for a relevant purpose; and only using the information for another purpose with your consent unless special circumstances apply such as health and safety or law enforcement.

11 Disclosure

This principle sets out when an agency can disclose personal information about you to someone else.

When does the *Information Privacy Act 2009* not apply?

There are some bodies not covered by the *Information Privacy Act 2009*, including courts and tribunals (in relation to their judicial and quasi-judicial functions).

In addition, the Information Privacy Principles do not apply to some other documents including documents concerning covert police activity, witness protection, whistleblowers or generally available publications.

Can you have access to your personal information held by the government?

You can apply to access your personal information held by the department. You can also apply to amend or correct your personal information.

Application forms can be downloaded from www.rti.qld.gov.au or by contacting the department's Right to Information and Privacy Unit.

If the documents you require contain the personal information of another person, or other information not related to your personal information, you will need to make your application under the *Right to Information Act 2009*.

What should you do if you have a complaint about the way your personal information was collected, used or disclosed?

If you believe the Department of Justice and Attorney-General has breached your privacy, you may make a privacy complaint to the department. It will be investigated in accordance with the department's Complaints Management Policy.

Your complaint must:

- be in writing
- state your address
- give details of the complaint.

Mail, fax or email your complaint to the department's Right to Information and Privacy Unit at:

The Director
Right to Information and Privacy Unit
GPO Box 149
BRISBANE QLD 4001

Fax: (07) 3006 5929
Email: mailbox@justice.qld.gov.au

If the complaint is about a breach which has occurred on or after 1 December 2009, and:

- you are not satisfied with the department's response; or
- the department has not responded within 45 business days of your complaint, you may refer your privacy complaint to the Information Commissioner.

Your complaint must:

- be in writing
- state your address
- give details of the complaint.

Forward your complaint to:

The Office of the Information Commissioner
PO Box 10143
Adelaide Street
BRISBANE QLD 4000

The Information Commissioner will mediate the complaint, if the complaint is deemed suitable for mediation.

If it is not suitable for mediation, you may request the Information Commissioner to refer the complaint to the Queensland Civil and Administrative Tribunal (QCAT). If any mediation is not successful, you may also request the Information Commissioner to refer the matter to QCAT.

QCAT may make an order for payment of compensation of up to \$100,000 for loss or damage (including for injured feelings) and orders requiring agencies to undertake certain actions including the making of an apology.

The Queensland Ombudsman may also be willing to accept a privacy complaint about the department's handling of your personal information.

Further information

Call the Right to Information and Privacy Unit, Department of Justice and Attorney-General on (07) 3239 3439.