**Privacy Plan**

# Purpose of this document

This document informs the community about:

* the services offered and responsibilities of the Department of Justice and Attorney-General (DJAG) in relation to the collection and handling of personal information of individuals;
* the types of personal information DJAG holds about individuals;
* the main purposes for which DJAG collects and uses personal information;
* how personal information is collected, used and stored by DJAG;
* what to do if an individual would like to amend or access a document containing their own personal information held by DJAG; and
* how a member of the community may make a complaint about the way in which DJAG has dealt with their personal information.

The [*Information Privacy Act 2009*](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/) (IP Act)governs the fair and lawful collection, use, storage and disclosure of personal information in the possession and control of Queensland Government agencies. The [IP Act, Schedule 3](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) contains 11 Information Privacy Principles (IPPs)[[1]](#footnote-1) which specify how personal information is to be collected, stored, secured, accessed, amended, used and disclosed by agencies.

In particular, [IPP 5](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) places an obligation on agencies to take reasonable steps to ensure that people are aware of the types of personal information collected and held by an agency, why that information is held, what it is used for, and how an individual can access their personal information. This Privacy Plan is designed to meet DJAG’s obligations imposed by [IPP 5](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html).

The meaning of personal information is described in [section 12 of the IP Act](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014#sec.12) as:

***Personal information*** *is 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 DJAG do?**

* DJAG is a diverse department, which works towards justice for all Queenslanders through safe, fair and responsible community outcomes. We provide services directly to the community, as well as services that enable DJAG to support a fair and just society. DJAG supports a range of independent justice bodies that report either to the Minister or directly to Parliament. We also provide administrative support for the running of Court Services Queensland and the Queensland Civil and Administrative Tribunal.

DJAG delivers these services in accordance with its [Charter](https://www.justice.qld.gov.au/corporate/about-us/governance/our-charter) which:

* helps us focus on community outcomes;
* guides our day-to-day behaviour and priorities; and
* supports us to serve the public by creating justice for all.

**What are DJAG’s business areas?**

DJAG is divided into six key areas. Each of these areas is further divided into business units, many of which collect personal information to conduct their day-to-day duties, including personnel and human resource information. The six key areas are as follows:

| **Areas** | **Business Units** | **Roles and Responsibilities** |
| --- | --- | --- |
| Office of the Director-General | Crown Law  Ethical Standards Unit  Executive Services Branch  Internal Audit  Office of the Director of Child Protection Litigation[[2]](#footnote-2)  Office of the Director of Public Prosecutions[[3]](#footnote-3) | The Office of the Director-General is the point of liaison between the department and the Attorney-General’s Office. The office provides professional advice and executive support to the Director-General by undertaking and coordinating policy research, analysis and by making recommendations about the operational management of the department’s divisions. |
| Corporate Services | People and Engagement Facilities Services  Financial Services Branch  Information Technology Services | Corporate Services delivers key business activities in support of departmental operations from expert advice to coordination activities and information on matters including:   * human resources * marketing, communication and online services * facilities and property management * financial services * corporate governance * information technology services |
| Justice Services | Legal Assistance Strategy and Funding Unit  Queensland Court Service   * Supreme, District and Land Courts Service * Magistrates Court Service * Reform and Support Services   Community Justice Services   * Blue Card Services * Dispute Resolution Branch * Justices of the Peace Branch * Office of the Commissioner for Body Corporate and Community Management * Registry of Births, Deaths and Marriages * Victim Assist Queensland   Queensland Civil and Administrative Tribunal  Office of the Public Guardian[[4]](#footnote-4)  Office of the Public Advocate[[5]](#footnote-5) | Justice Services works through the courts, community justice groups and regional service centres to deliver high quality services to the public. |
| Liquor, Gaming and Fair Trading | Office of Fair Trading  Office of Liquor and Gaming Regulation  Office of Regulatory Policy | Liquor, Gaming and Fair Trading:   * aims to deliver a fair and safe marketplace for Queensland consumers and businesses * undertakes compliance and enforcement activities throughout the State * protects consumers and business from illegal or unethical marketplace activities * regulates the liquor industry by maintaining the integrity and probity of the gambling industry in Queensland. * contributes to national reform projects that result in a net benefit to Queensland |
| Strategic Policy and Legal Services | Legal Advice and Advocacy  Legal Services Coordination Unit  Right to Information and Privacy  Strategic Policy and Child Safety Director  Secretariat of the Queensland Law Reform Commission[[6]](#footnote-6)  Office of the Legal Services Commission[[7]](#footnote-7)  Secretariat of the Queensland Sentencing Advisory Council[[8]](#footnote-8) | Strategic Policy and Legal Services:   * provides policy advice to the Attorney-General and Minister for Justice and the Director-General on justice portfolio policy and legislative issues; * administers the department’s obligations under the *Right to Information Act 2009* (RTI Act) and IP Act; * provides a range of legal services to the Attorney-General and the Executive Management of the department; * leads and promotes the development and implementation of legal services policy and practice across government. |
| Office for Women and Violence Prevention | Strategic Policy and Implementation  Partnerships and Engagement  Service Sector Investment and Reform  Integrated Service Responses | Office for Women and Violence Prevention:   * support women and girls to participate fully in the social, economic and cultural opportunities that Queensland offers and to achieve their full potential; * deliver services and supports that victims and their children need to be free of violence, and that ensure perpetrators are held to account for their actions and given opportunity to change their behaviour; * drive reform to strengthen community and whole of government responses to gendered violence by changing community attitudes and behaviours, integrating service responses and strengthening justice system responses. |

**Types of personal information DJAG collects and how it is handled**

**Privacy Complaints**

If you believe that an officer has not dealt with your personal information in accordance with the IP Act, you may make a privacy complaint to Right to Information and Privacy, – [privacy@justice.qld.gov.au](mailto:privacy@justice.qld.gov.au).

Complaints relating to information privacy will be managed under the [*Client Complaint Management Policy*](https://search.justice.govnet.qld.gov.au/s/redirect?collection=JAGnetV2&url=https%3A%2F%2Fintranet.justice.govnet.qld.gov.au%2F__data%2Fassets%2Fpdf_file%2F0018%2F140724%2FClient-complaints-management-policy.pdf&index_url=https%3A%2F%2Fintranet.justice.govnet.qld.gov.au%2F__data%2Fassets%2Fpdf_file%2F0018%2F140724%2FClient-complaints-management-policy.pdf&auth=lXUdXA6Jf4S0prBUN1afIA&profile=_default&rank=2&query=client+complaint) *.* Needs to be updated when Privacy Complaints Policy is approved but not to replace DJAG policy

**Contact**

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

**References**

*Information Privacy Act 2009*

*Right to Information Act 2009*

**Websites**

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

[*www.rti.qld.gov.au*](http://www.rti.qld.gov.au)

[*www.justice.qld.gov.au*](http://www.justice.qld.gov.au)

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

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

* human resource information relating to DJAG Officers;
* correspondence from the public;
* *Right to Information Act* *2009* (RTI) and IP Actdocument access and personal information amendment applications;
* enquiries, registration of and applications for records and certificates administered by the Registry of Births, Deaths and Marriages;
* enquiries and applications for appointment as Justices of the Peace and Commissioners for Declarations;
* personal information captured on forms;
* details of volunteers, visitors, committee members and statutory office holders;
* enquiries, correspondence and submissions relating to matters concerning vulnerable adults or children and adults with impaired decision-making;
* working with children checks (Blue card) applications and criminal history checks;
* information submitted in response to various regulatory reviews;
* applications for employment with DJAG;
* applications for liquor, gaming and other occupational licences;
* documents associated with enquiries, consumer complaints and investigations undertaken in accordance with legislation administered by Liquor, Gaming and Fair Trading;
* applications related to registrations and approvals for the not for profit sector;
* applications for grant funding from the Gambling Community Benefit Fund;
* applications for grant funding from the Investing in Women Queensland grants program and other one-off grants initiatives offered by the Office for Women and Violence Prevention;
* details of state-wide compliance and enforcement activities regarding Queensland businesses and consumers, including the liquor and gaming industries; and
* privacy and client complaint information.

The types of personal information collected will vary, but commonly includes mailing, residential and contact details (including email addresses and mobile telephone numbers), referee reports, employment details, dates of birth, and financial or banking details.

DJAG also collects personal information relating to:

* sensitive information about a person’s life circumstances;
* criminal histories;
* criminal proceedings;
* coronial inquiries and inquests;
* training and monitoring of the Justices of the Peace and Commissioners for Declarations program; and
* protecting and promoting the rights of vulnerable adults or children and adults with impaired decision-making.

The IPPs in the IP Act do not apply to courts and tribunals (including their registries), where they are discharging their judicial or quasi-judicial functions.

Employees are responsible for managing personal information consistently with the IP Act and DJAG’s Privacy Plan. Employees are given access only to information which is relevant to their duties.

**Why does DJAG collect personal information?**

DJAG collects personal information, in accordance with [IPP 2](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) (collection of personal information) which is necessary for it to carry out its functions and deliver a diverse range of justice, consumer and community services to Queenslanders. When DJAG collects personal information from an individual, it does so lawfully and in a way that is fair.

DJAG takes all reasonable steps, at the time of collection or as soon as practicable after collection, to ensure that the individual is generally aware of:

* the purpose of collection;
* where a collection is authorised or required under a law, the name of the law; and
* the identity of any entity that DJAG usually discloses personal information to; and if DJAG is aware that it is the usual practice of those entities to pass on information to another entity (the second entity), the identity of the second entity.

**Where does DJAG store personal information?**

[IPP 4](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) requires agencies to ensure that a document containing personal information is protected against loss, unauthorised access, use, modification or disclosure; and any other misuse. Agencies are required to provide security safeguards which are adequate to provide the level of protection that can reasonably be expected to be provided.

DJAG Officers are required to store personal information in lockable cabinets and secure databases in accordance with Information [Standard 18 Information security policy](https://www.qgcio.qld.gov.au/documents/information-security-policy) (IS18:2018). Records containing personal information are disposed of in accordance with section 26 of the *Public Records Act 2002* and the relevant retention and disposal schedules.

DJAG may need to store limited personal information in the Cloud overseas and will take all reasonable steps to ensure that reasonable security safeguards are in place to protect the personal information in accordance with the requirements of [IPP 4](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) and, section 33 - transferring personal information outside of Australia [of the IP Act](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/) and IS18:2018.

**How does DJAG use and disclose personal information?**

[IPP 10](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) provides that personal information must not be used for a purpose other than the particular purpose for which it was obtained, unless certain exceptions apply. [IPP 11](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) provides that personal information must not be disclosed to a third party, unless certain exceptions apply.

Some of the exceptions include, for example:

* where the individual has expressly or impliedly agreed to the use/disclosure
* where the use/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
* where the use/disclosure is required, authorised under law or necessary for law enforcement purposes; and
* where the use/disclosure is necessary for research or statistical purposes.

However, where a disclosure occurs under one of the exceptions above, the agency must take all reasonable steps to ensure that the third party does not use or disclose the information for a purpose other than the purpose for which the information was disclosed by the agency.

DJAG uses personal information for a purpose consistent with the reason for the original collection of the information, which is stated in a privacy notice (written or verbal) at the point of collection or as soon as practicable after collection in accordance with [IPP 2](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html). For example, personal information is used by DJAG to assess eligibility for certain licences, Blue Cards, claims and grants, as well as administering the appointment of Justices of the Peace and Commissioners for Declarations.

DJAG will only disclose an individual’s personal information in accordance with [IPP 11](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) (as advised in its [IPP 2](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) privacy notice) to other entities to enable DJAG and the other entity to carry out their functions and deliver services.

Where a proposed use or disclosure does not fall within the exceptions and is different to what the person was advised in the IPP 2 privacy notice, DJAG must obtain the person’s consent to use or disclose the personal information for the other purpose.

In accordance with the exceptions of [IPP 11](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html), for example, DJAG may be legally required or authorised to disclose personal information for another purpose, such as in response to a court subpoena or a statutory notice to produce information.

DJAG endeavours to take reasonable steps to ensure that the information is accurate, complete, up to date and relevant to fulfilling the particular purpose before it uses the personal information in accordance with [IPPs 8 and 9](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html).

**How can individuals access information held by DJAG?**

In accordance with [IPPs 6 and 7](http://classic.austlii.edu.au/au/legis/qld/consol_act/ipa2009231/sch3.html) individuals have a right to apply for access to, and amendment of documents containing their personal information.

Consistent with DJAG’s [Administrative Release Policy](https://www.justice.qld.gov.au/__data/assets/word_doc/0003/608646/administrative-release-policy.docx), DJAG encourages its business units to give individuals access to their own personal information without having to make a formal application under the IP Actor the RTI Act.

Where giving informal access to personal information is inappropriate, an individual will have to make an application under the IP Act for their own personal information or the RTI Act if a third party’s personal information is also involved. Requests for access to documents or amendment of personal information under the IP Act or RTI Act must be made in the prescribed statutory forms, copies of which are available at [www.rti.qld.gov.au](http://www.rti.qld.gov.au).

To discuss a request for access to or amendment of your personal information, you may contact RTI and Privacy on (07) 3738 9893 or by email at [RTIAdministration@justice.qld.gov.au](mailto:RTIAdministration@justice.qld.gov.au). You can also find out further information about accessing and amending documents by visiting [DJAG’s Right to Information and Privacy webpage.](https://www.justice.qld.gov.au/publications-policies/information-and-privacy)

**How to contact us or make a complaint**

For more information about privacy, contact RTI and Privacy on (07) 3738 9893 or by email at [privacy@justice.qld.gov.au](mailto:privacy@justice.qld.gov.au).

If you wish to make a privacy complaint please refer to DJAG’s [Compliments and complaints webpage](https://www.justice.qld.gov.au/about-us/contact/compliments-complaints) where you will be directed to an online complaint form or a form that you can print. Alternatively, you may call RTI and Privacy on (07) 3738 9893 or send your complaint by email to [privacy@justice.qld.gov.au](mailto:privacy@justice.qld.gov.au).

1. References to the IPPs in this document include hyperlinks to Schedule 3 of the IP Act which contains the full description of the IPPs. [↑](#footnote-ref-1)
2. The Office of the Director of Child Protection Litigation is resourced by the department. However, the independent statutory officer leading the office reports direct to the Attorney-General and Minister for Justice. [↑](#footnote-ref-2)
3. The Office of the Director of Public Prosecutions is resourced by the department. However, the independent statutory officer leading the office reports direct to the Attorney-General and Minister for Justice. [↑](#footnote-ref-3)
4. The Office of the Public Guardian is resourced by the department. However, the independent statutory officer leading the office reports to the Attorney-General and Minister for Justice. [↑](#footnote-ref-4)
5. The Office of the Public Advocate is resourced by the department. However, the independent statutory officer leading the office reports direct to the Attorney-General and Minister for Justice. [↑](#footnote-ref-5)
6. The Secretariat of the Law Reform Commission is resourced by the department. However, the Commission is an independent statutory body. [↑](#footnote-ref-6)
7. The Office of the Legal Services Commission is resourced by the department. However, the Legal Services Commissioner is an independent statutory officer who reports directly to the Attorney-General and Minister for Justice. [↑](#footnote-ref-7)
8. The Secretariat of the Queensland Sentencing Advisory Council is resourced by the department. However, the independent council reports direct to the Attorney-General and Minister for Justice. [↑](#footnote-ref-8)