

Information sheet

Wildlife management

Wildlife authorities and privacy

Overview

Queensland's native wildlife is protected under the *Nature Conservation Act 1992*. Persons are required to hold licences, permits or authorities (wildlife authorities) to take, keep and use many native plants and animals.

The process of applying for a wildlife authority generally requires that the Department of Environment and Heritage Protection (EHP) collects particular details, including personal information, from the applicant to allow the department to assess whether the applicant is suitable to be granted the wildlife authority.

EHP is committed to protecting the privacy, accuracy and security of the personal information of wildlife authority applicants and holders in accordance with Queensland law. This information sheet provides a general overview about how EHP collects, uses, stores and discloses personal information associated with wildlife authorities.

Queensland's privacy legislation

As part of the Queensland Government, EHP has responsibilities under the *Information Privacy Act 2009* (the IP Act) regarding the collection, use, storage and disclosure of personal information. The IP Act also provides access and amendment rights for personal information held by EHP

What is personal information?

Personal information is defined in the IP Act as information or an opinion, whether true or not, and whether recorded in a material form or not, about a person whose identity is apparent or can reasonably be ascertained. This essentially means any information that is about an identifiable, living individual. It can include correspondence, audio recordings, images, alpha-numerical identifiers and combinations of these.

Other entities, such as organisations or companies do not have personal information. The IP Act does not apply to information about the organisation or company. However, the IP Act will apply to information about any individuals who are associated with those entities, providing their identity is apparent or reasonably ascertainable. This includes:

- information about a nominated 'person in charge' for a permit held by an organisation or company, where the 'person in charge' is identifiable, is personal information.
- information about an individual who holds a permit on behalf of an organisation or company, for example:
 - a commercial permit (e.g. a Commercial Wildlife Licence), held on behalf of a company involved in a commercial operation
 - a Damage Mitigation Permit, held by an individual who runs a business undertaking wildlife relocation
 - a Rehabilitation Permit, held by an individual on behalf of a wildlife rescue group.

The Information Privacy Principles

The Information Privacy Principles (IPPs) in the IP Act set out the conditions under which personal information is collected, stored, used and disclosed.

Collection of personal information

In most cases, Queensland Government agencies seeking personal information from you must take reasonable steps to make you aware of why the information is being collected, who else it is usually given to, and if known, anyone who they will then give it to. Agencies must also provide details of any laws authorising or requiring the collection. For wildlife authorities, this will generally be done by providing a privacy statement on the application form for the authority you are applying for.

Officers of an agency who are performing law enforcement functions are exempt from the obligation to give a privacy statement if they are satisfied on reasonable grounds that giving one would interfere with their law enforcement functions. This may include when the department is undertaking a compliance investigation with regard to permits or licences issued under the *Nature Conservation Act 1992* and its associated regulations.

Any personal information collected must be:

- directly related to or necessary for a lawful purpose or function of the agency
- relevant, up-to-date and complete
- collected fairly and lawfully, and
- stored safely and securely.

Use and disclosure of personal information

The IPPs place limitations on the use and disclosure of personal information. Agencies may only use personal information for the purpose it was collected for and cannot disclose it, unless one of the limitations applies. For example:

- if the individual has been made aware of the likely use or disclosure
- there is express or implied consent
- it is necessary to lessen or prevent a serious threat to the life health, safety or welfare of an individual or the public
- it is required or authorised under a law
- it is necessary for law enforcement purposes (see below), or
- it is necessary for research or statistical purposes (and does not involve the publication of information that will identify a particular individual).

Law enforcement purposes include the:

- prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions
- enforcement of laws relating to the confiscation of crime proceeds
- protection of the public revenue
- prevention, detection, investigation or remedying of seriously improper conduct; and the
- preparation for, or conduct of, court/tribunal proceedings, or implementation of court/tribunal orders.

What can EHP tell another person about your wildlife authority?

If EHP receives an enquiry about whether a person holds a particular type of wildlife authority or what activities they are authorised to conduct their wildlife authority, EHP may disclose the following information:

- the permit number for the permit
- the name of the holder of the permit
- the term of the permit (i.e. commencement and expiry date), including whether or not the permit is currently valid
- the protected area to which the permit applies (if relevant)
- the activity authorised under the permit.

Any other information will only be provided with the permit or licence holder's consent, unless it is authorised or required by law, for example under the Right to Information Act 2009.

Information relating to complaints about wildlife authorities

If EHP receives a complaint relating to an action or an event regarding a wildlife authority that is not linked to a specific person or is about the actions of a company or organisation, then EHP should be able to provide the complainant or other person with some information about the investigation, as long as it is not information about, or information that might identify a specific individual (including any individuals being investigated or involved in the investigation, such as witnesses).

Where a complaint is about the actions of an individual and that individual is known to the complainant or other party involved in the investigation, then providing information about the progress or outcome of the investigation will, in most circumstances, be a disclosure of personal information. Disclosure may only occur where it falls within one of the circumstances in the IP Act, which includes when the individual has agreed or if it is necessary for law enforcement functions.

If an applicant or holder of a wildlife authority speaks to the media about their authority or publishes their personal information related to their authority in another way, such as on their webpage or blog, in an online forum or in an advertisement, EHP may be able to speak more freely about the authority, as limitations on disclosure do not apply to information that is published by the individual.

Further Information

If you have any queries about EHP's privacy practices, please contact the department's Privacy Officer by emailing privacy@ehp.qld.gov.au.

More information about the Queensland Government's privacy and right to information legislation is available from the Office of the Information Commissioner's website at www.oic.qld.gov.au or by emailing enquiries@oic.qld.gov.au.

For further information regarding wildlife authorities, contact Permit and Licence Management on telephone 1300 130 372 or by emailing palm@ehp.qld.gov.au.

Authorities

Information Privacy Act 2009

Right to Information Act 2009

Nature Conservation Act 1992

Nature Conservation (Wildlife Management) Regulation 2006

Nature Conservation (Administration) Regulation 2017

Nature Conservation (Wildlife) Regulation 2006

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Heritage Protection should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.