

Information Privacy Guide

Introduction

The [Information Privacy Act 2009](#) (IP Act) provides for the fair collection and handling of personal information by all Queensland Government agencies. These obligations are set out in Chapter 2 and the Information Privacy Principles (IPPs) in Schedule 3 of that Act.

The IP Act also provides individuals with a right of access to and amendment of personal information in the government's possession and control unless, on balance, it is contrary to the public interest.

Personal information is defined in the IP Act as:

'information or an opinion, including information or 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 be reasonably ascertained, from the information or opinion'

Essentially, personal information is any information about an identifiable person.

The current reprint of the IP Act is available from: www.legislation.qld.gov.au/LEGISLTN/CURRENT/I/InfoPrivA09.pdf

Purpose of this guide

In accordance with our requirements under Information Privacy Principle 5 (IPP5), this guide provides general information on:

- the type of personal information contained in documents held by the department,
- the main purposes for which this information is used and
- how you can access your personal information held in departmental documents.

This Guide also provides information on what to do if you have concerns about the department's handling of your personal information.

Our key responsibilities

The department's role is to act as a strong environmental regulator which supports sustainable long-term economic development of Queensland.

It does this by administering a range of environmental regulations and laws, providing timely approval authorities and ensuring compliance with them.

In addition to Queensland's natural environment, the department is also responsible for identifying and conserving the state's built heritage places.

These places contribute to our identity and help define who we are as Queenslanders.

They include buildings, structures, cemeteries, archaeological sites, gardens, urban precincts and natural and landscape features.

The department's key activities include:

- Conservation and Sustainability Services, including the implementation of programs to conserve and enhance the health of the state's natural environment
- Environmental Services and Regulation, including the facilitation of project approvals and industry compliance
- Environmental Policy and Planning, including developing and reforming legislation, plans and programs to support front-line environmental service delivery, manage our ecosystems, waste agenda and our ongoing role in climate change adaptation

Our commitment to the responsible management of personal information

We are committed to ensuring that all personal information is managed in accordance with the privacy principles. In doing so, we will ensure:

- the personal information of our clients and employees will be responsibly and transparently collected, managed, used and disclosed in accordance with the eleven Information Privacy Principles (IPPs)
- personal information will be disclosed to other entities (including agencies, other levels of government or the private sector) responsibly and transparently
- information will only be transferred outside of Australia in accordance with section 33 of the IP Act.
- all reasonable steps will be taken to bind contracted service providers to the IPPs if they are dealing in any way with personal information on our behalf (as per section 35 of the IP Act).
- privacy breaches and complaints will be dealt with in a timely and responsive manner and complainants will be treated with respect throughout the process.
- we will comply with the conditions of any public interest approvals issued by the Information Commissioner under section 157 of the IP Act.

The type of personal information contained in our documents

In delivering its business, the department collects a vast amount of customer and employee personal information.

We are required to collect, manage, use and disclose personal information in accordance with various legislation, policies, procedures and administrative reasons in the course of our day-to-day activities.

The department also manages registers containing personal information, which include, but are not limited to:

- Queensland Contaminated Land Register
- Queensland Heritage Register
- Environmental Management Register
- Gifts Register
- Corporate records / financial management records
- Consultant/contractor/supplier records; and
- Employee personnel records

Personal information is also held on departmental files related to business and service delivery functions of the department.

This includes delivery of the following responsibilities:

- Climate Change Policy
- Coastal Management, excluding the Tweed River Entrance Sand Bypassing Project
- Contaminated Land
- Ecologically Sustainable Development
- Environment including Management of Mining
- Environmental Planning
- Environmental Protection Policy
- Great Barrier Reef
- Historical Cultural Heritage
- Nature Conservation, excluding Demonstrated and Exhibited Native Animals and the Management of the Protected Area Estate and Forest Reserves (not including nature refuges)
- Pollution Management
- Pristine Rivers
- Waste Management
- Water Quality Targets for Catchment Management
- Wet Tropics Management

Legislation administered by the department

The department may also deal with personal information in administering the following legislation:

- Cape York Peninsula Heritage Act 2007 (except to the extent administered by the Minister for Natural Resources and Mines)
- Coastal Protection and Management Act 1995
- Currumbin Bird Sanctuary Act 1976
- Environmental Offsets Act 2014
- Environmental Protection Act 1994

- Gurulmundi Secure Landfill Agreement Act 1992
- Lake Eyre Basin Agreement Act 2001 (to the extent that it is relevant to environmental matters)
- National Environment Protection Council (Queensland) Act 1994
- National Trust of Queensland Act 1963
- Nature Conservation Act 1992 (except to the extent that it is relevant to demonstrated and exhibited native animals and to the extent that it is relevant to the management of the protected area estate and forest reserves, not including nature refuges) (jointly administered by the Minister for Agriculture and Fisheries and Minister for Sport and Racing)
- Newstead House Trust Act 1939
- North Stradbroke Island Protection and Sustainability Act 2011
- Queensland Heritage Act 1992
- Waste Reduction and Recycling Act 2011
- Water Act 2000 (Chapter 3)
- Wet Tropics World Heritage Protection and Management Act 1993

Note: this is current for Administrative Arrangements Order (No.2) 2015 and is subject to change. Refer to: www.qld.gov.au/about/how-government-works/government-responsibilities/

Personal information dealt with under the Business and Corporate Partnership

The department participates in a business and corporate partnership (B&CP) service delivery model with five other Queensland Government agencies.

A Memorandum of Understanding (MOU) is in place regarding the transfer of personal information between the departments for the provision of specified business and corporate services.

The MOU sets out the responsibilities of the participating departments when doing so. Most importantly, the MOU specifies that the supplying department does not lose control of the information it transfers to the receiving department, as the departments agree to deal with it in a certain way and to return or lawfully destroy it on request.

It is important to note:

- the MOU only applies to personal information transferred between the departments in relation to services provided under the B&CP arrangement
- use of the personal information is only for the function for which it has been transferred and must comply with the limitations under the IP Act
- the departments must continue to abide by any other legal limitations attached to the service provision in relation to the personal information
- the MOU does not provide for transfers of personal information between the departments for purposes other than those established under the B&CP arrangement.

How you can access or request amendment of your personal information

The right of access to and amendment of personal information is dealt with under Information Privacy Principles 6 and 7 of the IP Act.

Access to documents containing personal information

IPP 6 provides that a person is entitled to access any record that contains their personal information, except where access is restricted by any law. This includes the provisions in Chapters 3 of both the [Right to Information Act 2009](#) and the IP Act.

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

However, in some situations informal access will not be appropriate, and you may need to make an application under the RTI or IP Act. (For example, if a third party's privacy is also involved).

Amendment of documents containing personal information

IPP 7 provides that a person is entitled to seek an amendment of any record that contains their personal information that is inaccurate, incomplete, out of date or misleading.

Applications can only be made by a person seeking amendment of their own personal information, or of a deceased person to whom they are next of kin.

Applications for access to or amendment of personal information

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

Prior to lodging an access or amendment application for information held by this department, please contact RTI Services for advice:

Telephone: (07) 3330 6111
Email: rtiservices@ehp.qld.gov.au

How you can complain about our handling of your personal information

A privacy complaint is a complaint made by an individual about an act or practice of a department in relation to that individual's personal information.

Privacy complaints should be made no longer than twelve months from the date when the act or practice the complaint is about occurred.

If you wish to lodge a privacy complaint, please:

- submit your complaint in writing
- state an address which we can use to contact you, and
- include details about the actions or practice you are complaining about

Mark your complaint as Private and Confidential, and address it to:

The Privacy Officer
Governance and Strategy
Department of Environment and Heritage
Protection
GPO Box 2454
Brisbane Qld 4001
Email: privacy@ehp.qld.gov.au

The department will endeavour to respond to your concerns within 45 business days from the date your complaint is received.

However, in some circumstances, a longer period may be required in order to finalise your complaint. If so, you will be contacted with a view to arranging an extension of time.

On completion, you will be advised in writing of the department's decision, including any remedies that are considered appropriate to resolve the complaint.

What happens if you are not happy with the department's response to your complaint?

If you have made a complaint to the department under the IP Act and you are not satisfied with the response you receive, you can refer your privacy complaint to the Office of the Information Commissioner (OIC)

However, note that your complaint can only be made to the OIC after 45 business days has lapsed from the date the complaint was received by the department.

Refer to the OIC's website for further information: www.oic.qld.gov.au/about/privacy/privacy-complaints

Further information

All legislation referred to in this guide is available from: www.legislation.qld.gov.au.

For general enquiries on the operation and application of Queensland's RTI and IP legislation, please contact the OIC enquiry service:

Telephone: (07) 3234 7373
Fax: (07) 3405 1122
Email: enquiries@oic.qld.gov.au
Website: www.oic.qld.gov.au

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