

Information Privacy Guide

**Department of Communities, Child
Safety and Disability Services**

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Introduction

The *Information Privacy Act 2009* (Qld) (IP Act) regulates how public sector agencies, including the Department of Communities, Child Safety and Disability Service (the department) must collect, manage, use and disclose personal information.

What are the department's obligations under the *Information Privacy Act 2009*?

The IP Act:

- creates an obligation to comply with 11 *Information Privacy Principles* (IPPs);
- regulates when personal information may be transferred outside of Australia; and
- outlines the obligations regarding contracted service providers .

These IPPs and obligations are, collectively, referred to as the *Privacy Principles*.

What is personal information?

Personal information is defined in section 12 of 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.

Personal information may be stored in a variety of media including paper, an electronic database, correspondence, photographic or video images, digital format and audiotape.

Compliance with the Privacy Principles

Information Privacy Principles

The 11 IPPs set out the department's obligations regarding how personal information must be managed.

The IPPs deal with the following:

IPP 1: Collection of personal information (lawful and fair)

IPP 2: Collection of personal information (requested from individual)

IPP 3: Collection of personal information (relevance etc)

IPP 4: Storage and security of personal information

IPP 5: Providing Information about documents containing personal information

IPP 6: Access to documents containing personal information

IPP 7: Amendment of documents containing personal information¹

IPP 8: Checking of accuracy etc. of personal information before use by agency

IPP 9: Use of Personal information only for relevant purposes

IPP 10: Limits on use of personal information

IPP 11: Limits on disclosure

¹ Chapter 3 of the IP Act outlines the process for individuals to apply for access or to amend their personal information.

This document is designed to meet the department's obligations under IPP5 to take reasonable steps to ensure that people can find out:

- if the agency controls any documents containing personal information,
- the type of personal information in those documents,
- the main purposes for which that personal information is collected, held and used, and
- how one may access or amend one's own personal information.

It also provides information about the department's structure and services.

Obligations regarding contracted service providers

Sections 34-37 of the IP Act regulate how personal information is managed when the department enters into a contract or other arrangement for the provision of services associated with the performance of any of the department's functions, where the services involve dealing with personal information.

In particular, the department must take all reasonable steps to bind the service provider to comply with the relevant Privacy Principles in the IP Act in discharging its obligations under the service arrangement. If the department does not take such reasonable steps to bind the service provider to comply with the Privacy Principles, the contractual obligations will attach to the department.

Transferring personal information overseas

The IP Act also regulates the transfer of personal information to entities outside of Australia. This issue is relevant in the context of personal information of clients, service providers, staff and other persons involved with the department being transmitted or held on computer networks and servers outside Australia.

Under the IP Act, the department can only transfer personal information outside Australia if it complies with the various requirements set out in section 33 of the IP Act, including:

- the person has agreed to the transfer of their personal information; or
- the department is satisfied that the information will be subject to privacy protections that are substantially similar to the IPPs; or
- there are reasonable grounds to believe the transfer is necessary in order to prevent or lessen a serious threat to someone's life, health, or safety.

Documents to which the Privacy Principles do not apply

There are some documents to which the Privacy Principles do not apply, including:

- generally available publications;
- documents held in a library, art gallery or museum for reference, study or exhibition;
- public records under the *Public Records Act 2002* (Qld) in the custody of Queensland State Archives that are not in a restricted access period under that Act;
- a letter, or anything else, while it is being transmitted by post;
- a document to the extent it contains information relating to:
 - covert activity under the *Police Powers and Responsibilities Act 2000* and the *Telecommunications (Interception and Access) Act 1979* (Cth);
 - witness protection under the *Witness Protection Act 2000*;
 - disciplinary actions and misconduct resulting from a complaint under the *Police Service Administration Act 1990* or a complaint or investigation under the *Crime and Corruption Act 2001*;

- public interest disclosures under the *Public Interest Disclosure Act 2010*;
- matters subject to the Cabinet and Executive Council exemption in the *Right to Information Act 2009 (Qld)* (RTI Act); and
- Commissions of Inquiry.

What does the department do?

The department works to strengthen and protect the wellbeing of Queenslanders, particularly those who are vulnerable and most in need, through three service areas: Child and family services, Community services and Disability services and Seniors. The department's service delivery has a particular emphasis on the rights and safety of young people, women, seniors, people from culturally and linguistically diverse backgrounds, and people with a disability.

The department is also the lead agency responsible within the Queensland Disaster Management System to coordinate and deliver community recovery services following a natural disaster event.

The particular services delivered across Queensland, either directly by the department at its service centres across seven Regions, and through funded non-government organisations, provide the context for the types of personal information collected, controlled and handled by the department.

What areas of the department collect personal information?

The following areas of the department collect personal information for the purposes of their service delivery, regulatory, legislative and administrative activities:

- **Community services** (such as community recovery, multicultural affairs, seniors, violence prevention, volunteering, women and youth)
- **Child and family services** (including adoption, child protection, family support and foster care)
- **Disability services & Seniors** (including consumer participation, choice and control by persons with disability, accommodation support and respite services, transition to National Disability Insurance Scheme)
- **Corporate and Executive services** (including human resources, staff supports, finance, procurement, legal advice, audits, compliance, complaints investigations)

More details about the functions and services provided by the above areas of the department are found in the **Appendix** to this Guide.

What types of personal information are collected and held by the department?

The department collects and manages a wide range of personal information from people as part of performing its functions. The department collects and manages information about:

- clients and their family members;
- departmental employees, including prospective employees, and contractors;
- representatives and employees of non-government service providers;
- representatives of organisations, local governments and members of Ministerial Advisory Committees; and
- vendors and service providers.

The types of personal information collected may include:

- name and contact details

- date of birth
- signature
- photograph
- financial/bank details including, Centrelink and Veteran Affairs information
- unique identifying numbers (i.e. Tax File Number, Driver's licence number etc.)
- cultural background
- relationship details and family circumstances
- family history
- medical/health/diagnostic information
- educational needs and service provision needs
- adoption information
- occupation and employment history
- homelessness or risk of homelessness
- details of office bearers in funded organisations (i.e. names)
- criminal history (e. g of disability service provider staff)
- personal information required for receiving disability funding and for service provision
- personal information of persons making complaints, subjects of complaints, and personal information related to complaint investigation (e. g. of witnesses)
- recruitment information e.g. applications for employment with the department, records relating to referee checks, interview notes and selection panel assessments etc.
- personal information of staff members that is received or collected in the course of conducting human resource management functions (e.g. leave entitlements, bank account details, superannuation information, pay scale)
- personal information recorded by way of camera surveillance systems or electronic monitoring devices in departmental premises, such as at service centre counters.

Why does the department collect personal information?

The department collects personal information to fulfil its purpose and to perform its functions, and in undertaking its regulatory, legislative and administrative activities: It also manages personal information of a human resources nature of its staff and job applicants

The department holds records and registers that may contain personal information about contracted service providers, consultants, contractors, financial management, community recovery grants, policy consultations, etc.

The department administers (or jointly administering) legislation relating to the delivery of its services and may deal with personal information when doing so. Key legislation includes:

- [Adoption Act 2009 \(PDF\)](#)
- [Carers \(Recognition\) Act 2008 \(PDF\)](#)
- [Child Protection Act 1999 \(PDF\)](#)
- [Child Protection \(International Measures\) Act 2003 \(PDF\)](#)
- [Community Services Act 2007 \(PDF\)](#)
- [Disability Services Act 2006 \(PDF\)](#)
- [Domestic and Family Violence Protection Act 2012 \(PDF\)](#)
- [Forensic Disability Act 2011 \(PDF\)](#)
- [Guide, Hearing and Assistance Dogs Act 2009 \(PDF\)](#)
- [Multicultural Recognition Act 2016](#)

When collecting personal information, the department takes reasonable steps to explain why personal information is collected, what is done with it, whether any law requires its collection and identifies other entities to which it may be disclosed. This explanation may be provided in writing or given verbally.

Website and emails

When you visit this website, our web measurement tool and Internet Service Providers record anonymous information for statistical purposes only, including:

- the type of browser, computer platform and screen resolution you are using
- your traffic patterns through our site such as:
 - the date and time of your visit to the site
 - the pages you accessed and documents downloaded
 - the previous page you visited prior to accessing our site
 - the Internet address of the server accessing our site

Our web measurement software uses cookies when collecting this information.

However, no attempt is or will be made to identify you or to use or disclose your personal information except where required under a law,

Our Privacy Principles also apply to emails. Our internet service provider or information technology staff may monitor email traffic for system trouble shooting and maintenance purposes only. Your name and address details will not be added to a mailing list and we will not disclose these details to third parties without your consent unless required by law.

What does the department do with information?

The department collects personal information to perform its functions and to undertake its administrative and statutory responsibilities. The department will use and disclose the information only as necessary for that purpose: for example, to provide specialist disability services or to perform child safety functions.

Sometimes the department may use or disclose personal information for a purpose other than that for which it was collected if, for example:

- where the information will be used for a purpose that is *directly related* to the purpose for which it was collected, for instance providing personal information about a child in care to a foster parent to enable proper care of the child
- the person from whom the personal information was collected is *reasonably likely to have been aware* under IPP2 that it is our usual practice to disclose that type of information to a particular person or entity. For example, the disability support needs of a departmental client to a funded disability service provider that performs the actual services
- the person has *expressly or impliedly consented* to the proposed use or disclosure
- we are satisfied on reasonable grounds that the use or disclosure is necessary to lessen or prevent a *serious threat to the life, health, safety or welfare* of an individual or the public (for instance, providing information to the police about a missing child in care to help to locate the child)
- the use or disclosure is *authorised or required by law*, for example, in the investigation of a criminal offence (such as the suspected abuse of a child) or in response to a court subpoena relating to a court action in which the department is involved
- we are satisfied on reasonable grounds that the use or disclosure is necessary for *law enforcement* processes, for example, to apprehend a parent unlawfully removing a child from the state
- the use or disclosure is for *research* in the public interest and certain requirements are met.

Access to and amendment of personal information held by the department

Except where access is restricted by law, the IP Act allows an individual to request access to their personal information and to amend their own personal information if it is inaccurate, incomplete, out of date or misleading. Rights of access and amendment are dealt with in IPPs 6 and 7 and Chapter 3 of the IP Act and in the *Right to Information Act 2009* (Qld) (RTI Act).

Personal information cannot be accessed by others, except as provided for by the IP Act and the RTI Act, or as required or authorised by other legislation.

Information held by the department can be accessed in different ways: informal access via an application for administrative access or through a formal application for access under the IP Act or RTI Act.

Administrative Access

In some cases, access to personal information can be requested informally, without the need to apply under the RTI Act or IP Act.

As part of that process, we will require evidence of your identity, to ensure that your personal information is not disclosed inappropriately.

Application for Access

However, in some situations, informal access will not be appropriate (for instance, if your personal information is interwoven with somebody else's personal information). In such cases, a formal application under the RTI or IP Act will be required.

Where the information sought is your own personal information, you may make a formal application under the IP Act. If you seek non-personal information or where your own information is intertwined with another person's personal information, you must make an application under the RTI Act.

You can contact the Information Access and Amendment Unit (contact information below) for advice about how to obtain access to departmental information, including your personal information, or to request amendment of your own personal information.

There are no application fees or charges for access to personal information.

For an application for access to be valid it **must**:

- be made in the prescribed form, either online (see below) or in hard copy
- give sufficient information concerning the document/s you are seeking to enable the documents to be identified, and
- be accompanied by proof of your identity, and
- provide an address (not email) to which notices under the IP Act can be sent.

You may apply directly to the department by downloading the [Right to Information and Information Privacy access application form](#) and sending it to:

Post: Information Access and Amendment Unit
Right to Information, Information Privacy and Screening
GPO Box 806
Brisbane Qld 4001

Telephone: (07) 3224 2242 or 1800 809 078 (freecall)

Facsimile: (07) 3224 7050

Email: rti@communities.qld.gov.au

Evidence of your identity is must be provided if any of the documents contain your personal information. You should also include certified copies of appropriate identification in your access application.

As an alternative to applying directly to the department you can also apply using the Queensland Government's [online application for access form](#).

Amending your personal information

If you consider that the information the department holds about you is incorrect, misleading, incomplete or out of date, you may apply under the IP Act to seek amendment of your personal information. You will need to complete the [Personal Information Amendment Application](#) form (which can be sent to you by your local Department of Communities, Child Safety and Disability Services service centre).

Complaint and review procedures

If you believe that the department has not dealt with your personal information in accordance with the IP Act, you may make a privacy complaint.

Complaints to the department

Privacy complaints made to the department must be made in writing and give particulars of the act or practice you are complaining about. We will also require evidence of your identity, to ensure that your personal information is not disclosed inappropriately.

Privacy complaints should be marked Private and Confidential and forwarded to:

Post:	Complaints and Review Department of Communities, Child Safety and Disability Services GPO Box 806 Brisbane Qld 4001
Email:	feedback@communities.qld.gov.au
Telephone:	1800 080 464

You may also apply using the [Privacy Complaint form](#).

Privacy complaints will be managed in accordance with the department's [Complaints Management Procedure](#) and [Complaints Management Policy](#).

More information about the department's complaint process is available at the [Customer service compliments and complaints](#) webpage..

Complaints to the Office of the Information Commissioner

A complainant may make a privacy complaint to the Office of the Information Commissioner if:

- at least 45 business days have elapsed since the complaint was made to the department; and
- they have not received a response from the department, or they have received a response but consider the response not to be an adequate response.

The Information Commissioner will not deal with your complaint unless you have first made a complaint to the department.

More information about the Information Commissioner's privacy complaints process is available on the Commissioner's website: www.oic.qld.gov.au/about/privacy/privacy-complaints.

Privacy Contact Officer

For general privacy enquiries concerning privacy related matters the department's Privacy Contact Officer can be contacted via phone on (07) 3224 2935 or via email to privacy@communities.qld.gov.au

Appendix

Community services (community recovery, multicultural affairs, seniors, violence prevention, volunteering, women and youth)

Community Services leads and facilitates non-government organisations' delivery of services for vulnerable groups and individuals including seniors, carers, women, young people, people affected by domestic and family violence, and people from culturally and linguistically diverse backgrounds.

It is also responsible for leading and facilitating the Queensland Government's response to the Domestic and Family Violence Taskforce, initiatives in relation to the Queensland community services sector and community recovery following disasters.

Child and family services (adoption, child protection, family support and foster care)

Child and family services leads and facilitates the delivery of family support, child protection and adoption services. It provides services that support families to safely care for their children. It delivers these services directly and through funded non-government organisations. It also provides out-of-home care and adoption services for children and young people not able to be cared for by their families.

Disability services & Seniors

The department will continue to lead and facilitate the delivery of disability services and community care services for people up to 65 years of age up until full implementation of the National Disability Insurance Scheme (NDIS), which is scheduled for 2019. Until this time, the department will continue to provide and invest in services delivered by the department and funded non-government organisations including personal care, accommodation and carer support, respite, community access, therapy, aids and equipment, and learning and skill development.

Following implementation of the NDIS, the department will continue delivering Accommodation Support and Respite Services.

Corporate and Executive services

Corporate Services supports the delivery of those services by providing strategic leadership and direction for the department's corporate systems, policies and practices. Specifically, Corporate services supports departmental staff by delivering learning and development opportunities; equipping them with better technologies; running effective financial, funding and procurement, and human resource systems; providing legal services and advice; reporting and analysing data; undertaking audit, compliance and other reviews; handling complaints and investigations; managing our facilities and delivering our capital programs