

# 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 by clicking here: [Information Privacy Act 2009](#)

## 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

### Environment

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

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.

Key environmental 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

### National Parks

The department manages national parks and their use and enjoyment by all Queenslanders. Queensland's protected area estate covers more than 12 million hectares and includes national parks, marine parks, forest reserves and regional parks.

National parks and forests play an important part in building stronger communities by providing recreational activities and helping to build the economy through sustainable ecotourism ventures.

National parks are the cornerstone of Queensland's protected area estate and are an important part of our natural environment and cultural heritage. Through proper management, we aim to ensure that the parks are protected, accessible and valued by all Queenslanders. By managing important marine protected areas, such as declared fish habitat areas, we aim to ensure sustainable recreational, commercial and indigenous fishing.

### Science

The department provides support for science and research partnerships in Queensland, and provides trusted scientific knowledge, information and advice to support the achievement of Government priorities.

The Division works with the Office of the Queensland Chief Scientist to enable the role to provide

leadership of the Government's science policy agenda.

Responsibilities include to:

- deliver scientific expertise to protect and manage our environment and natural resource base
- generate and maintain extensive fundamental datasets about Queensland's natural resources, environmental assets and climate risk
- prioritise, develop and evaluate science-related policies
- show-case the capability of Queensland science through enhancing connection, communication and engagement.

## Queensland Chief Scientist

The [Queensland Chief Scientist](#) provides strategic advice to the Minister and the State Government on the role of science, research and innovation in achieving the state government's priorities.

Responsibilities include to:

- lead the development of science strategy for government
- support the development of Queensland's science sector

## Arts

Arts Queensland is dedicated to growing a vibrant and sustainable arts and cultural sector in Queensland by recognising the public value of a dynamic sector and its delivery on the [Queensland Government's community objectives](#). Specifically, it contributes to the creation of jobs and a diverse economy, and building safe, caring and connected communities.

Arts Queensland has responsibility for:

- fostering a community of the arts and facilitating growth of the arts and cultural sector
- supporting arts and cultural growth through partnerships, programs and events
- investing in all levels of the arts and cultural sector
- growing Queensland's cultural reputation and cultural tourism offering
- managing investment programs that support arts and cultural organisations and arts capital infrastructure projects and providing arts and cultural strategy advice to the Queensland Government
- supporting the governance and compliance of statutory bodies and companies within the arts portfolio to ensure integrity and accountability for the Government's largest arts investments
- maintaining Queensland's premier cultural assets including the Cultural Centre, South Bank, Judith Wright Centre of Contemporary Arts and Centre of Contemporary Arts, Cairns.

## Corporate Administration Agency

The Corporate Administration Agency (CAA) provides corporate services to various Queensland public sector entities that are principally small to medium statutory bodies.

Services provided by CAA include human resource (HR) management and HR consulting, payroll and recruitment services, financial management and transactional services, and information management services including information technology and business systems.

CAA operates in a dynamic and agile environment where clients can choose to purchase separate components on an annual retainer or project basis depending on specific business needs. The business model is non-mandated and requires that CAA actively maintains high-performance standards, cost effectiveness and innovation for clients, to retain ongoing business.

Key strategic directions include continued business innovation and improvement through effective client engagement and strategic business alliances and partnerships, supported by strong governance of business operations, products and services and development of high-performance teams.

## 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
- personal 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, including, but 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 responsibility for: <sup>1</sup>

- 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
- Custody and Management of State Forests not part of the Plantation Licence Agreement
- Fish Habitat Areas
- Marine Infrastructure - Strategic Planning
- Marine Parks Management
- National Parks
- Protected Area Estate management and Forest Reserves (excluding Nature Refuges)
- Scientific services and technical advice
- Encouraging science engagement and entrepreneurship
- Supporting individual artists, arts workers, arts organisations and cultural institutions

- Maintaining cultural assets (Cultural Centre, Judith Wright Centre of Contemporary Arts, Centre of Contemporary Arts, Cairns and South Bank)
- Legislation administered by the department
- The department may also deal with personal information in administering the following legislation:
  - Biodiscovery Act 2004
  - Cape York Peninsula Heritage Act 2007 (except to the extent administered by the Minister for Natural Resources, Mines and Energy)
  - Coastal Protection and Management Act 1995
  - Environmental Offsets Act 2014
  - Environmental Protection Act 1994
  - Fisheries Act 1994 (as it relates to Fish Habitat Areas)
  - Forestry Act 1959 (jointly administered with the Minister for Agricultural Industry Development and Fisheries)
  - Gene Technology (Queensland) Act 2016
  - Lake Eyre Basin Agreement Act 2001 (to the extent that it is relevant to environmental matters)
  - Libraries Act 1988
  - Marine Parks Act 2004
  - National Environment Protection Council (Queensland) Act 1994
  - Nature Conservation Act 1992 (except to the extent that it is relevant to demonstrated and exhibited native animals) (jointly administered with the Minister for Agricultural Industry Development and Fisheries)
  - Newstead House Trust Act 1939
  - North Stradbroke Island Protection and Sustainability Act 2011
  - Queensland Heritage Act 1992
  - Queensland Art Gallery Act 1987
  - Queensland Museum Act 1970
  - Queensland Performing Arts Trust Act 1977
  - Queensland Theatre Company Act 1970
  - Recreation Areas Management Act 2006
  - Tweed River Entrance Sand Bypassing Project Agreement Act 1998
  - Waste Reduction and Recycling Act 2011
  - Water Act 2000 (Chapter 3, and to the extent relevant to Chapter 3, Chapters 5, 6 and 7); (Chapter 8, Part 5, jointly administered with the Minister for Natural Resources, Mines and Energy)
  - Wet Tropics World Heritage Protection and Management Act 1993

## 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 two 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.

<sup>1</sup> Note: this is current for Administrative Arrangements Order (No.4) 2017 and is subject to change.

Refer to: [www.qld.gov.au/about/how-government-works/government-responsibilities/](http://www.qld.gov.au/about/how-government-works/government-responsibilities/)

## 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](#) (RTI Act) 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](http://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@des.qld.gov.au](mailto:rtiservices@des.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@des.qld.gov.au](mailto:privacy@des.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](http://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](http://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](mailto:enquiries@oic.qld.gov.au)  
Website: [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

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