

Privacy Plan

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The Department of Local Government, Community Recovery and Resilience leads a coordinated Queensland Government approach to delivering short and long-term solutions for strong local government.

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An electronic copy of this report is available on the Department of Local Government, Community Recovery and Resilience's website at www.dlqcr.qld.gov.au

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Preface

The Queensland Government is required to protect the privacy of the people of Queensland in the delivery and conduct of government services.

Prior to 2009 the Queensland Government had not enacted legislation dealing with privacy; instead it relied on an administrative scheme known as the information standards. Information standard 42 sets out the government's policy on privacy, which was based on privacy principles listed in the *Privacy Act 1988* (Cwth).

In 2009 however, the Information Standards as they existed became superseded by the *Information Privacy Act 2009* (Qld) (the Act). Obligations relating to privacy originally captured in Information Standard 42 have now substantively been captured in Schedule 3 of the Act.

One of the core differences between the Act and the previous information standards is the Act now has an avenue for complaints or suspected breaches of the Information Privacy Principles (IPPs) to be investigated. Breaches of the Act can result in penalties of up to \$100 000 in compensation being awarded by the Queensland Civil and Administrative Tribunal (QCAT).

The eleven IPPs apply to the Department and specify how we collect, store, secure, access, amend, use and disclose personal information. However, the responsibilities under the *Right to Information Act 2009* (the RTI Act) and the IP Act require the Department to deal in specific ways with personal information.

Section 33 of the Act allows the transfer of an individual's personal information to an entity outside Australia only if an the individual agrees to the transfer; or the transfer is authorised or required under a law; or the Department is satisfied on reasonable grounds that the transfer 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.

In addition, personal information may be transferred outside Australia if two or more of the following apply:

- the Department reasonably believes the recipient of the personal information is subject to a law, scheme or contract that will effectively uphold the principles of fair handling of personal information in a way that is substantially similar to the IPPs;
- if the transfer of personal information may be necessary for the performance of the Department's functions, in relation to the individual;
- or the transfer may be for the benefit of the individual but it is not practicable to seek the agreement of the individual, and if it was practicable the individual would be likely to give the agreement;
- the Department has taken reasonable steps to ensure that the personal information it transfers will not be held, used or disclosed by the recipient of the information in a way that is inconsistent with the IPPs.

The primary aim of this plan is to assist members of the public to understand how personal information is managed within the Department and how they can seek assurances that their personal information is maintained in accordance with the Act.

It will also serve as guidance for employees who deal with personal information and will provide a strategic overview for achieving compliance by the Department with the Act.

1. What is personal information?

It is necessary to identify what is considered personal information so that it can be managed in accordance with this plan and comply with the Act.

Section 12 of the Act, defines Personal information 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.*

That is, personal information is any information about an identifiable individual.

Examples include:

- a person's name, address, phone number or email address
- a photograph of a person
- a video recording of a person, whether CCTV or otherwise, for example, a recording of events in a classroom, at a train station or at a family barbecue
- a person's salary, bank account or financial details
- allegations of wrongdoing against a person or details of wrongdoing or offences they may have committed
- details about a person's land ownership or disputes to do with their land
- the fact that a person is a member or leader of an association and their attendance at meetings
- a person's medical details or health information
- a person's fingerprints or blood type
- details about a person's religious or sexual preferences
- details about a person's membership of a trade union or professional body.

The information does not have to clearly identify a person. It need only provide sufficient information to lead to the identification of a person. It is not limited to confidential or sensitive personal details. It covers information held in paper or electronic records.

In general the Department only collects personal information for the purpose of communicating with the public or for the purpose of communicating with local governments.

What is not personal information

Information that is widely publicised such as publications and documents in magazines, books, newspapers, annual reports and the Queensland Government Gazette is not considered personal information. This is applicable even if the information does contain certain aspects of personal information such as a person's name or their date of birth.

Information not publicised within a publication must still be protected. Similarly, information that is widely known about a person may become personal information if it can be used to identify them in circumstances where the identity of a person needs to be protected.

2. Exempt personal information?

The types of personal information that are exempt under Schedule 1 of the Act are as follows:

Disciplinary actions and misconduct

A document to the extent it contains personal information arising out of:

- a complaint or an investigation of misconduct, under the *Crime and Corruption Act 2001*
- a contravention of the *Public Service Act 2008*.

Public Interest Disclosure

A document to the extent it contains personal information:

- contained in a public interest disclosure under the *Public Interest Disclosure Act 2010*
- that has been collected in an investigation arising out of the public interest disclosure under the *Public Interest Disclosure Act 2010*.

Cabinet and Executive Council documents

A document to the extent it contains personal information that is also the subject of the *Right to Information Act 2009*, schedule 3, section 1, 2 or 3.

Commissions of Inquiry

A document to the extent it contains personal information arising out of a commission of inquiry.

Covert activity

- Personal information about an individual arising out of or in connection with a controlled operation or controlled activity within the meaning of the *Police Powers and Responsibilities Act 2000* or the *Crime and Corruption Act 2001*
- Personal information about an individual arising out of or in connection with a covert undertaking of an operation, investigation or function of a law enforcement agency
- Personal information obtained under a warrant issued under the *Telecommunications (Interception and Access) Act 1979* (Cwth).

Witness protection

A document to the extent it contains personal information about a person who is included in a witness protection program under the *Witness Protection Act 2000* or who is subject to other witness protection arrangements made under an Act.

Other

A document that is:

- a generally available publication
- kept in a library, art gallery or museum for the purposes of reference, study or exhibition
- a public record under the *Public Records Act 2002* in the custody of the Queensland State Archives that is not in a restricted access period under that Act
- a letter or anything else while it is being transmitted by post.

3. Policy Principles

There are 11 IPPs listed in Schedule 3 of the Act. These have been adapted from the National Privacy Principles as set out in the *Privacy Act 1988* (Cwlth). The 11 IPPs are:

- 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 information
- IPP 8 – Checking of accuracy etc, of personal information before use by agency
- IPP 9 – Use of personal information only for relevant purpose
- IPP 10 – Limits on use of personal information
- IPP 11 – Limits on disclosure

Security of information

The Department is committed to complying with the 11 IPPs as set out in Schedule 3 of the Act, which form the basis for the Queensland privacy regime.

The Department will comply with the IPPs in relation to the collection, storage, use and disclosure of personal information, which a client may supply to us. We will only collect information if it is necessary for us to provide a service to you or maintain our relationship with you. Any information collected will not be used or disclosed other than for:

- the purpose for which it was collected
- a purpose that you would reasonably expect
- a purpose required or permitted by law
- a purpose authorised by you.

Website privacy

The Department is committed to protecting the privacy of our website users. We understand and appreciate that visitors to and users of this website are concerned about their privacy and the confidentiality and security of information they provide to us. As a general rule, we do not collect personal information about you when you visit our site. When you visit our site to read or download information, our Internet Service Providers record only anonymous information for statistical purposes including:

- your server and IP address
- the name of the top level domain (for example, .gov, .com, .edu, .au)
- the type of browser used
- the date and time you accessed the site
- the pages accessed and documents downloaded
- the previous site you visited.

These statistics provide information to assist us to make improvements to the content and structure of our website.

We may also collect personal information that you choose to give us via online forms, blog comments or by email for example:

- you may subscribe to electronic mailing lists and RSS feeds
- you may register a complaint through our online forms.

Email correspondence

As a Government Agency any official email correspondence sent to any email addresses on our website will be treated as a public record. It will be retained as required by the *Public Records Act 2002* and other relevant legislation. Your email address details will not be added to a mailing list (unless you request this) nor will we disclose these details to third parties without your consent, unless required by law.

Email messages may be monitored by our information technology staff for system trouble-shooting and maintenance purposes.

The Department has in place email filtering software which results in any messages with inappropriate material being blocked. The system generates an automatic message advising the originator and addressee that the message has been blocked.

Public records

Email correspondence and information provided via web forms can constitute public records and can be retained as required by the *Public Records Act 2002* and other relevant legislation.

We will only use personal information collected via our website for the purposes for which it was given to us and for related, internal management purposes.

We do not share personal information about you with other government agencies, organisations or anyone else unless one of the following applies:

- you have consented
- you'd expect us to, or we have told you we will
- it is required or authorised by law
- it will prevent or lessen a serious and imminent threat to somebody's life or health
- the disclosure is reasonably necessary for law enforcement, or for the protection of public revenue.

Cookies

Cookies are small pieces of information (text) that a web site can transfer to an individual's computer hard drive for record keeping. Cookies can reside on an individual's machine for a fixed period of time or expire at the end of an Internet session. Some of our web sites use cookie technology to provide the visitor with the ability to customise the site for return visits or to allow the visitor to carry information across different pages. Cookies are not used to track or identify visitors for any other purpose.

4. Personal information held by the Department and how to access

The Department holds personal information across various classes of records. Identifiers can include a person's name, date of birth, address, gender, telephone numbers, email address, photograph, employment records, a person's salary or bank account information, education details, a person's land ownership, details about a person's religious or sexual preferences or a person's membership of a trade union or professional body.

The records are kept according to the categories set out in the Department's Retention and Disposal Schedule, approved by Queensland State Archives. Separate storage and security arrangements apply depending on which business area holds the records and the sensitivity and classification of the information. Records are held in the various functional or geographical areas of the Department and are stored in various mediums.

Regional Conduct Review Panel

A regional conduct review panel is a body, created under the *Local Government Act 2009*, which is responsible for hearing and deciding a complaint of misconduct by a councillor. Division 6 of the *Local Government Act 2009* is about dealing with complaints about the conduct and performance of councillors.

It is important to ensure that appropriate standards of conduct and performance are maintained and that any councillor who engages in misconduct or inappropriate conduct is disciplined. Allegations of misconduct may be referred to either a regional conduct review panel or, for more serious cases, to the Local Government Remuneration and Discipline Tribunal.

How to access: If the record is your personal record, contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949. If the record is not your personal record, a notice of Non-Party Disclosure or subpoena needs to be lodged.

Tribunal Matters

The Local Government Remuneration and Discipline Tribunal is established under chapter 6, part 3 of the *Local Government Act 2009*. The tribunal is an independent body, made up of three suitably qualified persons appointed by the Governor in Council. It is responsible for regularly reviewing and determining the range of remuneration payable to councillors and for dealing with complaints of serious misconduct by councillors. The Department provides administrative and secretariat assistance to the tribunal to enable it to effectively perform its responsibilities.

These records document any matters relating to councillor remuneration or councillor discipline. The Tribunal determinations and reports are published annually. Associated records are not routinely published. Tribunal records may contain personal identifiers of council employees, Chief Executive Officers and Mayors, State employees and members of the community who have communicated with any local government in Queensland.

How to access: If the record is your personal record, contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949. If the record is not a personal record, a notice of Non-Party Disclosure or subpoena needs to be lodged.

Local Government records

These records document any communication between the State and Queensland local governments. These records may contain personal identifiers of local government employees, State employees and members of the community who have communicated with any local government in Queensland.

How to access: If the record is your personal record, contact the Department to discuss access. If you are searching for your personal records that a local government may hold, refer to the list of local government on the Department's website at www.dlgcrr.qld.gov.au . If the record is not your personal record, you need to contact the Department to discuss access at privacy@dlgcrr.qld.gov.au or 3452 6949.

Queensland Local Government Grants Commission

The Department receives submissions for grants on an ongoing basis. The records may contain personal identifiers of employees and members of the community who have communicated with any local government in Queensland.

How to access: These records can be accessed on the Department's website at <http://www.dlgcrr.qld.gov.au/grants-and-subsidies-programs>. Records containing personal information in grant allocations are not routinely available and you will need to contact the Department to discuss access at privacy@dlgcrr.qld.gov.au or 3452 6949.

Queensland Reconstruction Authority records

The records for the Queensland Reconstruction Authority (QRA) are held by the QRA from 2011-2014.

How to access: Contact the QRA at info@qldra.org.au for further information.

Strategic Management Records

These records document the function of corporate governance with the Department, including the formulation and amendment of legislation which provides the legislative basis for the organisation. These records may contain personal identifiers of departmental employees.

How to access: Corporate Governance information is available on the Department's website at www.dlgcrr.qld.gov.au/about-us/strategic-plan-lg.html Records containing personal information in regard to the Department's corporate governance functions are not routinely available and you will need to contact the Department to discuss access at privacy@dlgcrr.qld.gov.au or 3452 6949.

Financial Management Records

These records are used to account for expenditure and revenue. The personal information in these records relates to creditors and debtors including external providers if they are identified personally. Content may include: name, address, service or goods category, bank account details and transaction history. Sensitive content may include: financial information concerning creditors and debtors (including engaged service providers if they are identified personally).

Access to this personal information is restricted to financial management employees across the Department as well as to external auditors. This information is not normally disclosed to other persons or organisations. Some personal information may also be accessed by contracted agencies, such as the Department's shared service provider, QSS, in order to provide services such as account and payroll processing or to support and maintain financial systems databases.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Fleet Management Records

These records document the function of acquiring, managing, maintaining, repairing and disposing of service vehicles. Vehicle logs will contain personal identifiers of departmental employees.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Government Relations Records

These records document the function of administering the relationship between the Department and those processes of government not covered by other record types.

These records include:

- the Department's relationship with Ministers and Members of Parliament and the political processes of Government
- liaison with other agencies on legislation
- liaison with bodies carrying out investigations and participating in formal inquires and investigations such as Royal Commissions and inquiries by Parliamentary Committees, the CCC and the Ombudsman
- relationships with other States, the Commonwealth or overseas governments and relationships with the court system.

These records may contain personal identifiers.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Information Access Records

These records document the function of making the Department's information available to approved individuals and groups. This includes applications for access to confidential information and amendments to information. The information contained in these records may include personal identifiers. The sensitive details that are contained in these records may include information about employment records of departmental employees, tribunal matters and local government information.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Information Systems Records

The Department's information management systems network routinely carries, enables processing of, and stores, for varying periods, much of the core business and the supporting corporate service business of the Department including the majority of personal information records described within this plan. Some information systems for human resource and finance functions are also provided by the Department's shared service provider, QSS.

Content may include: name, address, passwords, internal electronic transactions and external transactions, telephone numbers, e-mail (including individual and whole of department e-mail address groups), internet and government intranet activity.

Sensitive content may include details of personal e-mail messages and address books, information technology system security identifiers and passwords and employee internet usage tracking records.

The following employees have access to the personal information subject to appropriate security authorisation and operational need: supervisors, system administrators and the employee concerned. Employees are routinely made aware of system usage rules and monitoring procedures concerning collection and use of the information.

How to access: If an employee requires access to their own personal information, they can contact their direct supervisor on the first instance or alternatively contact the RTI & IP unit to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Information Technology and Telecommunications Records

These records document the development or acquisition, implementation and management of all types of technology and associated resources to capture, store, retrieve, process, transfer, communicate or disseminate information through the use of electronic information systems.

This also includes the determination of requirements, preparation, issue and evaluation of a tender, completion of a tender contract and implementation of systems. Audit trail records will contain personal identifiers of departmental employees.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Premises Records

These records document the function of managing, working and storage within premises, and of acquiring, constructing, fitting-out, managing, maintaining, protecting and disposing of premises. Premises includes buildings and land allotments either owned, rented, leased or occupied by the organisation and its employees, such as office blocks and other establishments. These records may contain personal identifiers of departmental employees.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlqcr.qld.gov.au or 3452 6949.

Litigation Records

These records document the function of administering conflict between two or more parties (in which the State of Queensland is one of the parties) and covers both civil and criminal jurisdictions. Records for court purposes are used to record issuing of summons and to present evidence for prosecution or defend or undertake civil action. This material may be produced by order of a court or tribunal in non-criminal matters. Included in these records are briefs of evidence, affidavits, statements and related documents.

Personal identifiers will be contained in these records. Subject to individual authorisation and operational needs, an employee may access court records. Information may also be disclosed to the Crime and Corruption Commission, members of the judiciary, members of tribunals and to legal practitioners and defendants and may otherwise be disclosed in court records.

How to access: These records may only be accessed by way of a court order or by a compulsion under another Act.

Records Management Records

These records document the creation, capture, registration, classification, indexing, storage, retrieval and management of records to their ultimate disposal. This includes the design of recordkeeping systems, involvement in strategies to ensure the creation of records to satisfy recordkeeping requirements, setting recordkeeping policy and standards, auditing compliance with recordkeeping requirements, and the identification, creation and management of records of continuing value (archives).

These records include:

- correspondence to and from the Minister or ministerial staff
- correspondence from the public or other government agencies relevant to the Minister's portfolio
- administration records that support the objectives of the Department by assisting with the effective and efficient operation of all areas of the Department
- records relating to policy and program development, mailing lists, purchasing, stakeholder groups, communication and publications, audit outcomes, security and general management issues.

Content may include: names, addresses, personal opinions about public administration matters, occupational and organisational information about persons, complaints and grievances.

Sensitive content may include details of physical and mental health, racial or ethnic origin, disciplinary investigations and action, criminal convictions, relationships and allegations of wrongdoing.

Recordkeeping system metadata (data about each record kept in the system) will contain personal identifiers of employees, members of the public and employees of other agencies. The use of these systems is routinely monitored by internal and external control systems. Departmental employees are routinely made aware of system usage rules and monitoring procedures concerning the collection and use of the information.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlgcr.qld.gov.au or 3452 6949.

Right to Information and Information Privacy Records

The RTI & IP Unit maintains a database that records the progress, determinations, costs and existence of any applications and internal or external appeals in relation to RTI & IP applications lodged with the Department. Access to personal information, once collated, is restricted to this unit. It may be forwarded to the Office of the Information Commissioner if an application for review is received by that office. Information is retained in accordance with the applicable provisions of the *General Disposal and Retention Schedule for Administrative Records* issued by Queensland State Archives.

Content may include: name, address, date of birth, gender, occupation, marital status, names and status of partners or relatives, information relating to offenders, victims, employees and other details relating to the particular request, complaint, litigation or coronial matter.

Sensitive content may include: physical and mental health, disabilities, racial or ethnic origin, religious or political affiliation, relationship details, criminal history, financial information, employment related information and offender management information.

How to access: If access or amendment to personal information is required contact the Department to discuss access at privacy@dlgcr.qld.gov.au or 3452 6949.

Employee Records

The purpose of these records is to maintain all permanent, contract and temporary employment activity including payroll, recruitment and associated administrative activity relating to all current and former employees, contract employees and applicants for positions within the Department.

Access to employee records is restricted to managers and personnel management employees, selection committees (as appropriate), the individual to whom the record relates and, as appropriate, personnel specialists, investigators (in the case of misconduct), security officers and to internal and external auditors.

Information held in personnel records may be disclosed outside the Department to a medical practitioner; a consultant investigator; QSuper Limited; the Australian Taxation Office; Workcover Queensland; an occupational therapist; Crown Law; an employee's legal representative or union; the Office of the Public Service Commissioner; and on transfer to another Government Department, to that agency.

The types of employee records held by the Department are:

- **Personnel and Payroll Records**

Personal details including address, telephone number and date of birth; records relating to attendance and overtime; leave applications and approvals; medical records; payroll and pay related; declarations of interests; personal history files; performance appraisals; records relating to personal development and training; graduate and work experience schemes; aptitude test records; completed questionnaires and personnel survey forms; travel documentation; records relating to personal welfare matters; and contracts and conditions of employment.

- **Recruitment and Selection**

The type of records include: recruitment records and position applications; records relating to relocation of employees and removals of personal effects; records relating to character checks and security clearances.

These records document the function of recruiting and selecting employees which includes applying for approval to fill existing vacancies, the advertising of vacant positions in the Government Gazette and the handling of applications, interviews, selection and appointment. These records will contain personal identifiers. Access to recruitment records is restricted to managers and personnel management staff, selection committees (as appropriate), the individual to whom the record relates and, as appropriate, personnel specialists, investigators (in the case of misconduct), security officers and to internal and external auditors.

- **Equal Opportunity**

These records document the function of establishing programs which will result in fair outcomes for all employees in relation to employee recruitment and development, including the management of grievances. These records may contain personal identifiers of employees.

- **Health and Safety**

These records document the implementation and co-ordination of occupational health and safety and associated legislation throughout the organisation, including the monitoring of safe work practices, procedures and preventative measures. These records also support the promotion of healthy work practices, employee health and fitness, rehabilitation and injury management and the establishment of Health and Safety Committees to investigate and advise on health and safety issues in the workplace. Records such as WorkCover claims will contain personal identifiers of departmental employees.

- **Industrial Relations**

These records document the function of establishing formal relations with employees and their representatives to achieve a harmonious workplace, including negotiations conducted to obtain determinations, agreements or awards, industrial disputes settled within the organisation or by an external arbitrator and reports of the state of industrial relations within the organisation. These records may contain personal identifiers of departmental employees.

- **Training and Development Records**

These records document the development and delivery of training and other activities, programs and events, designed to encourage employees to develop their skills and abilities and increase their productivity. The records may contain personal identifiers of employees who have undertaken training and development activities.

- **Examples of other personnel records**

Compensation case files; rehabilitation case files; records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other employee and establishment records as appropriate; complaints and grievances; recommendations for honours and awards; employee assistance scheme; issues relating to Equal Employment Opportunity (EEO); medical retirement; and voluntary early retirement.

Personnel records are kept for variable periods according to the applicable provisions of the General Disposal and Retention Schedule for Administrative Records. Personnel records may be kept in a common storage facility, however, separate security arrangements will typically apply, depending on the sensitivity of the information

This personal information is not normally disclosed to other persons or organisations without the consent of the person about whom the personal information relates, or if a statutory or contract obligation exists.

How to access: Employees can obtain information regarding access to their personnel records by contacting their Human Resources officer or representative. Any other person wishing to obtain records about an employee of the Department must contact the Department to obtain access by subpoena, notice of disclosure or by lodging an information privacy access application. The RTI&IP unit can be contacted on privacy@dlgcrr.qld.gov.au or 3452 6949 for further information.

Contact Lists

Employee Contact lists

Electronic and paper records are held throughout the Department, by individual workgroups, for the emergency contact of employees. These include home phone numbers, personal mobile phone numbers and residential addresses that have been supplied by employees. Information is held to meet operational needs in critical periods.

How to Access: This information is restricted to authorised officers such as the Manager and/or Director of the Department. These lists cannot be accessed from outside the Department or the State.

Client and Government Contact Lists

These lists can be electronic, paper-based or in business card form. They are widely held throughout the Department and are compiled from information received from clients or government officers.

How to access: As this information mainly consists of business details, contact the RTI & IP Unit for further information. Email: rti@dlgcrr.qld.gov.au or 3452 6949.

Consultant, Contractor and Stakeholder Lists

The Department holds data collections containing details of consulting firms, consultants and contractors. Details are collected from previous engagements by the Department. Information is held as a reference source for future departmental needs.

How to access: The Department publishes successful tenderers and contractors. If access or amendment to other personal information is required contact the Department to discuss access at privacy@dlgcr.qld.gov.au or 3452 6949.

5. Application of this plan

The Department's privacy plan applies to:

- departmental employees
- volunteers
- contractors or consultants to the Department
- joint venture partners.

Departmental Employees

When dealing with personal information, departmental employees will comply with the IPPs outlined in this plan.

Departmental Contractors and Consultants

The Department regularly enters into contracts with external bodies for the supply of goods and services. Some of these contracts require the disclosure of personal information to third parties or the collection of information by third parties on behalf of the Department.

The Act requires personal information to be managed in accordance with the IPPs and that any outsourcing arrangements, contracts and licenses entered into after July 2009 must comply with these principles.

The Department is bound to take all reasonable steps to ensure that any contracted service provider is required to comply with parts 1 or 2 and part 3 of the Act, as if it were the agency, in relation to the discharge of its obligations under an arrangement.

However, the Department must comply only if the contracted service provider will in any way deal with personal information for the contracting agency or the provision of services under the arrangement will involve either the transfer of personal information to the contracting agency or the provision of services to a third party for the contracting agency.

The Department will bind any contracted service provider where it is appropriate.

Joint Venture Partners

Where the Department has partnership agreements with companies or individuals, such agreements will comply with the Act when entering into a new contract or renewal.

6. Responsibility for privacy in the Department

The overall responsibility for privacy in the Department rests with the Director-General. All employees within the Department have a responsibility to ensure they comply with the Act.

The day-to-day management of privacy has been delegated to the Business Services Unit where the Manager Ethics, Integrity and Risk is the first point of contact for members of the public and employees on privacy matters, including:

- breach of privacy complaints
- requests for internal reviews
- requests to amend records
- general information on privacy in the Department.

The Manager Ethics, Integrity and Risk can be contacted in relation to privacy concerns at privacy@dlqcr.qld.gov.au or by phone on (07) 3452 6952.

The Manager Ethics, Integrity and Risk is also responsible for reporting privacy matters to the Director-General and for preparing relevant statistical reports for senior management.

7. Access and amendment procedures

Under the Act, there are controls on how personal information is managed. The rights of access and amendment are dealt with in IPPs 6 and 7. Those rights are confined to the person to whom the personal information directly and personally relates.

IPP 6 provides that a person is entitled to access any record that contains their personal information except where access is restricted by law.

IPP 7 provides that a person is entitled to seek an amendment of any record that contains their personal information that is misleading, irrelevant, not up-to-date or incomplete.

Applications for access to records containing personal information must be made in writing to the Department, as required by the Act and set out in detail the information to which access is requested.

Requests for access to or amendment of personal information must be dealt with through existing Right to Information and Information Privacy processes and should be forwarded to the RTI and IP Unit at privacy@dlqcr.qld.gov.au or on 3452 6949.

8. Complaint and Review Process

If an individual believes that the Department has not dealt with their personal information in accordance with the IPPs within the *Information Privacy Act 2009*, they may make a complaint to the Department. The complaint must be:

- in writing
- provide a contact address to which notices can be sent
- provide detail of the complaint.

The Department must respond to complaints within 45 business days of receipt. If the individual has not received a decision on the complaint within 45 business days, or is not satisfied with the decision, they may complain to the Information Commissioner. The Information Commissioner will try to resolve the complaint through mediation.

If the complaint cannot be resolved through mediation, the complainant may direct the Information Commissioner to refer his or her complaint to QCAT. Where the complaint is substantiated, QCAT may make orders including that an apology be made or compensation be awarded.

Complaints or enquiries should be directed to:

By post

Manager Ethics, Integrity and Risk
C/- Department State Development, Infrastructure and Planning
GPO Box 15009
CITY EAST QLD 4002

By email

privacy@dlgcr.qld.gov.au

By phone

(07) 3452 6952

9. Acts Administered by the Department

- *Local Government Act 2009*
- *City of Brisbane Act 2010*
- *Local Government Electoral Act 2011*
- *Queensland Reconstruction Authority Act 2011*
- *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Part 9, Division 2 and Part 10)*