

Right to Information and Privacy

Protecting Your Privacy

The Department of Justice and Attorney-General (DJAG) is required to collect and use personal information as part of its day to day activities. The *Information Privacy Act 2009* (the IP Act) regulates how Queensland Government agencies such as DJAG handle this personal information. The IP Act requires that personal information held by DJAG be collected, stored, used and disclosed in accordance with the Information Privacy Principles (IPPs) contained in the IP Act.

What is personal information?

Personal information is opinion or information about a person, including information or opinion forming part of a database, whether true or not, and whether recorded in material form or not, which identifies or could identify the person. Personal information may include:

- name
- date and place of birth
- race or ethnicity
- religion
- financial details
- medical information

Sometimes personal information can reveal a person's identity even if their name is not mentioned.

How the IP Act applies to your personal information

DJAG will collect and manage your personal information in accordance with the IPPs. These IPPs have been summarised from the IP Act to assist you with understanding how DJAG will manage your personal information, and to advise you of your rights under the IP Act.

1 Manner and Purpose of Collection

The information must be necessary for the agency's function and collected in a fair and lawful manner.

2 Seeking information directly from the individual

The agency must tell you the purpose of the collection, any laws which give them authority to collect the information and who they usually disclose or give the information to.



3 Collecting information generally

The information collected must be relevant, up-to-date and complete. The collection must not be unreasonably intrusive.

4 Security and storage

Outlines how the agency must keep your information safe.

5-7 Access and Amendment

These principles require agencies to take certain steps to give you access to personal information they hold about you and amend information in certain circumstances.

8-10 Use of personal information

These principles outline the rules about keeping accurate, complete and up-to-date personal information; using information for a relevant purpose; and only using the information for another purpose with your consent unless special circumstances apply such as health and safety or law enforcement.

11 Disclosure of personal information

This principle sets out when an agency can disclose personal information about you to another entity. These include circumstances where you have consented to the disclosure, where your information is disclosed for the purpose which it was collected, and when authorised or required by law.

Circumstances when the IP Act does not apply

There are some bodies not covered by the IPPs, which include courts and tribunals in relation to their judicial and quasi-judicial functions and government owned corporations. Bodies which are not covered by the IPPs are outlined in Schedule 2 of the IP Act.

In addition, the IPPs do not apply to some documents, including documents concerning covert police activity, witness protection, whistle-blowers, or generally available publications.

How you can access your personal information held by DJAG

You can apply to access your personal information held by DJAG. You can also apply to amend or correct your personal information. Application forms to apply to access or amend your personal information held by DJAG can be accessed at <http://www.rti.qld.gov.au/> or by contacting DJAG's Right to Information and Privacy Unit at RTIAdministration@justice.qld.gov.au or phone: 07 3227 7618.

If the documents you wish to access contain the personal information of another person, or other information not related to your personal information, you will need to make a formal request for access under the *Right to Information Act 2009*.

You can make a formal request for information under the *Right to Information Act 2009* by completing an electronic form at <https://www.smartservice.qld.gov.au/services/information-requests/apply.action>.

For further information or to request that a form be sent to you, please contact the Right to Information and Privacy Unit by phone 07 3227 7618 or by email RTIAdministration@justice.qld.gov.au.

How you can make a complaint about the way your personal information was collected, used or disclosed

If you believe DJAG has breached your privacy, you may wish to make a privacy complaint directly to DJAG. It will be investigated in accordance with DJAG's Client complaint management policy. DJAG's Client complaint management policy is available at www.justice.qld.gov.au/corporate/contact-us/compliments-and-complaints.

Your complaint must:

- be in writing
- state your address
- give details of the complaint.

You can mail, fax or email your complaint to DJAG's Right to Information and Privacy Unit at:

The Director
Right to Information and Privacy Unit
GPO Box 149, Brisbane QLD 4001
Fax: (07) 3006 5929 or Email: privacy@justice.qld.gov.au or RTIAdministration@justice.qld.gov.au

If the complaint is about an alleged or actual breach which occurred on or after 1 December 2009 and you are not satisfied with DJAG's response; or DJAG has not responded within 45 days of your complaint, you may wish to refer your privacy complaint to the Office of the Information Commissioner.

You can make your complaint to:

The Office of the Information Commissioner
PO Box 10143, Adelaide Street, Brisbane QLD 4000
Email: enquiries@oic.qld.gov.au

You can also make a complaint via OIC's online complaint form
<https://www.oic.qld.gov.au/about/privacy/privacy-complaint-form>.

If the complaint is deemed to be valid, and the Information Commissioner considers it would be appropriate for mediation, the Information Commissioner may decide to mediate the complaint.

If the Information Commissioner considers that the complaint is not suitable for mediation, you may request that your complaint be referred to the Queensland Civil and Administrative Tribunal (QCAT). If mediation is not successful.

QCAT may make an order for payment of compensation of up to \$100,000 for loss or damage (including injured feelings) and orders requiring agencies to undertake certain actions including the making of an apology.

The Queensland Ombudsman may also be willing to accept a privacy complaint about DJAG's handling of your personal information.

Further information

For further information please call the Right to Information and Privacy Unit, DJAG on 07 3227 7618 or email us at privacy@justice.qld.gov.au or RTIAdministration@justice.qld.gov.au.