# Submission to the Department of Justice and Attorney-General on the Consultation Paper – Proposed changes to Queensland’s Information Privacy and Right to Information Framework

You may use this template to make a submission to the consultation questions in the *Consultation Paper – Proposed changes to Queensland’s Information Privacy and Right to Information Framework* (Consultation Paper).

## How to make a submission?

You may provide comments or make a submission on the Consultation Paper by:

Email: PrivacyandRTIreforms@justice.qld.gov.au or

Mail to: Privacy and Right to Information Reforms
Strategic Policy and Legal Services
Department of Justice and Attorney-General
GPO Box 149
BRISBANE QLD 400.

Submissions close at **5pm on Friday 22 July 2022**.

## Privacy

Your submission will be treated as a public document and may be published on the Department of Justice and Attorney-General website. If you would like your submission—or any part of it—to be treated as confidential, please indicate this clearly.

**Privacy statement:** Personal information in your comments or submission will be collected by the Department of Justice and Attorney-General (DJAG) for the purpose of informing reforms to right to information, privacy and other legislation in Queensland. DJAG may contact you for further information on the issues your raise. Your comments or submission may also be provided to others with an interest in the reforms, for example, Parliament’s Legal Affairs and Safety Committee. Comments and submissions in relation to this consultation paper will be treated as public documents and may be published on DJAG’s website. If you would like your submission, or any part of it, to be treated as confidential, please indicate this clearly. Please note however that all submissions may be subject to disclosure under the *Right to Information Act 2009*.

## Submitter details:

|  |  |
| --- | --- |
| Name: |  |
| Position (if applicable) |  |
| Agency / organisation (if applicable) |  |
| Email address: |  |
| Phone number: |  |
| Please advise if you want your submission, or any part of it, to be treated as confidential (noting that all submissions may be subject to disclosure under the *Right to Information Act 2009*)? |  |

| **No.** | **Question** | **Response** |
| --- | --- | --- |
| 1 | Should the definition of personal information in the *Information Privacy Act 2009* (IP Act) be amended to reflect the definition which is currently in the *Privacy Act 1988* (Cth) (Privacy Act)? |  |
| 2 | Should the proposed Queensland Privacy Principles (QPPs) be adopted in Queensland? |  |
| 3 | If not, in what ways should they be changed? |  |
| 4 | What are the benefits and disadvantages of defining the factors that must be considered in ‘reasonable steps’ for proposed QPP 9 in the IP Act? |  |
| 5 | Could these factors be applied to other relevant parts of the IP Act? |  |
| 6 | Would statutory guidelines produced by Office of the Information Commissioner (OIC) be more flexible and useful? |  |
| 7 | Should the Information Commissioner be given a power to conduct an ‘own motion’ investigation into whether there has been a breach of the privacy principles? |  |
| 8 | Should the Information Commissioner be given a power to make declarations, based on the Commonwealth model, after an own-motion investigation has been conducted? |  |
| 9 | Should the OIC have the power to intervene in tribunal or court proceedings, involving the IP Act? |  |
| 10 | Do you have any other comments about the powers and roles of the OIC, including the current range of support services provided by the OIC? |  |
| 11 | Is the mandatory data breach notification scheme as outlined in this Consultation Paper suitable for adoption in Queensland? |  |
| 12 | If not, in what ways should it be changed? |  |
| 13 | Would the Information Commissioner require any additional powers to monitor and provide oversight to the mandatory DBN scheme? |  |
| 14 | Is a new criminal offence required to prosecute offences for misuse of confidential information, or are existing provisions in the *Criminal Code Act 1899* (Criminal Code) and other legislation adequate? |  |
| 15 | Do you have any other comments about this issue? |  |
|  | Do you have any feedback on the proposed right to information and information privacy reforms outlined in **Part B** of the consultation paper? |  |

Thank you for making your submission.