

Information Privacy Policy

1. Policy statement

The Department of Employment, Small Business and Training (DESBT) is committed to protecting the personal information that we collect, use and disclose. This policy outlines our ongoing obligations with respect to how we manage your personal information.

2. Scope

This policy applies to all DESBT employees, including public service officers, general employees, and employees engaged on a temporary or casual basis as defined by the [Public Service Act 2008](#).

3. Purpose

This document outlines the departmental requirements under Information Privacy and Right to Information legislation. It supports the department's need to collect information and the right of the individual to privacy and sets out why the department collects, holds, manages, uses, discloses or transfers personal information.

We abide by the Information Privacy Principles (IPPs) contained in the *Information Privacy Act 2009* (QLD) (IP Act). The IPPs govern the way in which we collect, use, disclose, store, secure and dispose of your personal information.

An overview of the IPPs may be obtained from the website of Office of the Information Commissioner Queensland at <https://www.oic.qld.gov.au/guidelines/for-community-members/Information-sheets-privacy-principles/overview-of-the-information-privacy-principles> or at [Appendix 1](#) of the Information Privacy Procedure.



4. Authority

- [Information Privacy Act 2009 \(Qld\)](#)
- [Right to Information Act 2009 \(Qld\)](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Public Records Act 2002 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)

5. Principles

The following principles summarise the approach of the department to the privacy principles. For a full extract of the IPPs, refer to [Appendix 1](#) in the Information Privacy Procedure.

- 5.1. 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 be reasonably `ascertained, from the information or opinion.
- 5.2. Personal information the department collects include names, addresses, email addresses, phone and facsimile numbers.
- 5.3. The department will collect personal information for the primary purpose of:
 - a. providing services to employees
 - b. providing information to clients
 - c. marketing.
- 5.4. The department may also collect personal information for secondary purposes closely related to the primary purpose, in circumstances where a person would reasonably expect such use or disclosure.
- 5.5. When personal information is collected, where appropriate and where possible, the department will ensure to explain why the information is being collected and how it will be used.
- 5.6. Where reasonable and practicable to do so, the department will collect personal information directly from the person it pertains to. However, in some circumstances the department may be provided with information by third parties.
- 5.7. Personal information may be disclosed in several circumstances including the following:
 - a. Third parties where the employee has consented to the use or disclosure; and
 - b. Where required or authorised by law.
- 5.8. Personal information will be stored in a manner that reasonably protects it from:
 - a. misuse and loss and from unauthorised access

- b. modification
 - c. disclosure.
- 5.9. When personal information is no longer needed for the purpose for which it was obtained, the department will take reasonable steps to destroy or permanently de-identify personal information.
- 5.10. Most personal information is or will be stored in client files which will be kept by the department for a minimum of 7 years.
- 5.11. A person is entitled to access any record that contains their personal information, except where access is restricted by any law (IPP 6). This includes access to personal information in accordance with the provisions in Chapters 3 of both the Right to Information Act 2009 (RTI Act) and the IP Act.
- 5.12. The department endeavours to provide access to personal information informally, without requiring a person to make an application under the Acts.
- 5.13. Where informal access to personal information is not be appropriate, the person may need to make an application under the RTI or IP Act (for example, if a third party's privacy is also involved).
- 5.14. The department participates in a business and corporate partnership (B&CP) service delivery model with the Department of Environment and Science (DES). A Memorandum of Understanding is in place between the agencies regarding the transfer of personal information between the departments for the provision of specified business and corporate services.
- 5.15. Amendments of any record that contains personal information can only be done:
- a. by a person seeking to amend their own personal information; or
 - b. the next of kin for a deceased person that the record pertains to; and
 - c. where the record is inaccurate, incomplete, out of date or misleading.
(IPP7)
- 5.16. 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. Prior to lodging an access or amendment application for information held by this department, please contact [RTI Services](#) for advice.
- 5.17. Privacy complaints can be made within twelve months of the date of the act or practice the subject of the complaint. The department will endeavour to respond to concerns within 45 business days from the date the complaint is received.
- 5.18. Human Rights complaints with respect to privacy and reputation may also be lodged with the department or with the Queensland Human Rights Commission (QHRC).
- 5.19. The department is to endeavour to respond to concerns within 45 days from the date the human rights complaint is received. However, the QHRC may accept

human rights complaints before the 45 days elapses in exceptional circumstances. The QHRC may also delay dealing with the complaint if it thinks the department has not had an adequate opportunity to deal with the complaint.

- 5.20. Where privacy complaints require a longer than 45 business days to be responded to, the department contact the complainant to arrange an agreed extension of time.
- 5.21. The department will respond to all privacy complaints in writing of the department's decision, including any remedies that are considered appropriate to resolve the complaint.
- 5.22. Where a person has made a complaint to the department under the IP Act and is not satisfied with the response received, they can refer the privacy complaint to the Office of the Information Commissioner (OIC).
- 5.23. Complaints referred to the [OIC](#) can only be made after 45 business days has lapsed from the date the complaint was received by the department.
- 5.24. Where a person has made a complaint under the Human Rights Act 2019 and is not satisfied with the response received, they can refer the complaint to the Queensland Human Rights Commission (QHRC).
- 5.25. This Policy may change from time to time. A current version is available on the DESBT website.

6. Responsibilities

Position	Responsibilities
Director-General	<ul style="list-style-type: none"> • make decisions on access and amendment applications made to the department • delegate the power to deal with an RTI or IP application to another officer of the department • ensure the department provides a right of access to information, including access or amendment to personal information, unless it is contrary to the public interest.
RTI and IP Services, Department and Environment and Science (DES)	<ul style="list-style-type: none"> • manage RTI and information privacy matters within the department pursuant to the Memorandum of Understanding (MoU) with DESBT.
DESBT Senior management	<ul style="list-style-type: none"> • ensuring DESBT employees adhere to the requirements for protection of personal information

Position	Responsibilities
	<ul style="list-style-type: none"> • assess reported notifiable privacy breaches and/or consult with the Legal Services team to take necessary action • assess Right to Information requests in accordance with the Information Privacy procedure.
All DESBT Employees	<ul style="list-style-type: none"> • are aware of the requirements for protection of personal information • direct any privacy complaints to the department's Customer Centre to triage as per the Customer Complaints Management Framework • report suspected privacy breaches to their manager or director • refer any formal RTI and IP Access applications to the DES RTI unit • complete the online Information Privacy training course upon induction to the department and annually thereafter.

7. Related documents and enquiries

This policy should be read in conjunction with the department's Information Privacy Procedure and Customer Complaints Management Policy

If you have any queries or require further information about this Policy, please contact corporate.legal@desbt.qld.gov.au

8. References

- [Right to Information and Information Privacy](#) website
- [Right to Information and Information Privacy application](#)
- [Information Privacy Personal Information Amendment Application](#)
- [Queensland Government's Code of Conduct for the Queensland Public Service](#)

9. Definitions

Term	Definition
IPP	means an information privacy principle stated in Schedule 3 of the IP Act. The IPPs regulate the collection, storage, handling, accessing, amendment, management, transfer, use and disclosure of personal information regardless of when it came into existence or when it was collected.
Personal Information	is defined in the IP Act as ' <i>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 the opinion</i> '. Essentially, any information that can be linked to an identifiable individual is personal information and is subject to the IP Act.
Reasonable	reasonableness requires a balanced and objective view to be brought to the question. Determining what is reasonable will depend on many factors, including the agency, its responsibilities, the personal information in question, the public interest in the proposed action, and any other relevant circumstances. Generally, the practical difficulty or cost will not make something unreasonable.
B&CP	is the Business and Corporate Partnership service delivery model for the supply of specified business and corporate services.
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.
OIC	means the Office of the Information Commissioner, established under the RTI Act.