



# Information privacy complaints and breaches policy

## Right to Information and Privacy Group

### Policy statement

Queensland Corrective Services (QCS) values and protects the personal information of clients, customers and employees collected in accordance with its business needs in the delivery of government functions and services. QCS is committed to managing complaints made under the *Information Privacy Act 2009* (IP Act) in an accountable, transparent, timely and fair manner.

QCS recognises the importance of providing an efficient and client focused approach to the privacy complaint handling process as integral to effective customer service and does so in accordance with legislative requirements under the IP Act.

QCS values the benefits of effective privacy complaint handling as it contributes to the development and implementation of improved work practices and service delivery across the department. Accordingly, QCS encourages a proactive approach to complaints management.

This policy and the *Information privacy complaints and breaches procedure* will be published on the QCS internet at [www.corrections.qld.gov.au](http://www.corrections.qld.gov.au).

If you have any questions regarding a privacy complaint, contact the QCS Right to Information (RTI) and Privacy Group on [privacy@corrections.qld.gov.au](mailto:privacy@corrections.qld.gov.au).

### Objectives

This policy sets out matters related to privacy complaints and investigations managed by the RTI and Privacy Group. The objectives of this policy are to ensure:

- transparent, accountable and responsive management of privacy complaints
- privacy complaints and investigations are handled effectively and consistently
- the rights of complainants and respondents are protected, and
- support and provision of a policy framework for the *Information privacy complaints and breaches procedure*.

### Principles

The complaint management principles underlying this policy reflect the *AS/NZS 10002:2014 Guidelines for complaint management in organisations* (the Guidelines), and Section 264 of the *Public Sector Act 2022* – which prescribes the need for a complaints management system in all Queensland Government agencies. This document is to be read in conjunction with the *Information privacy complaints and breaches procedure*; *Management of technical (low level) privacy breaches procedure*; *Information privacy breach and complaint assessment triage form*; and QCS's *Client Complaint Management Policy*.

QCS is committed to the following complaints management principles in managing privacy complaints:

- The privacy complaints process is free and accessible for all individuals and supports natural justice with no detriment associated with making a complaint.
- Information for individuals on how to lodge a privacy complaint and how their complaint will be managed will be available.
- Information outlining what types of outcomes can be achieved through the privacy complaints process will be provided to complainants.

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- Complainants have the right to have an authorised agent act on their behalf.
- Communication will occur with individuals about the progress of their privacy complaint.
- Complainants will be provided with an explanation of the decision, any recommendation made as a result of the complaint, and review options available if they do not agree with the outcome.
- Complaints will be responded to in a respectful, fair and objective manner.
- Legislative timeframes will be observed when investigating complaints.
- A systems approach will be adopted to privacy complaints, placing a focus on reviewing practices, processes, policy, and procedures to assess whether amendments or new practices are required to prevent further breaches.
- Privacy complaints, written or verbal, are to be referred to the RTI and Privacy Group, QCS to investigate and manage in accordance with this policy, the *Information privacy complaints and breaches procedure*; and *Information privacy breach and complaint assessment triage form*.
- Technical (low-level) privacy breaches are managed in accordance with the *Management of technical (low level) privacy breaches procedure*. This procedure provides guidance to business units when dealing with technical (low level) privacy breaches. Examples of technical low level privacy breaches could be, but are not limited to:
  - a document being attached to an incorrect system account, where no reliance or decision has been made on the incorrect information
  - information regarding an officer attached to another officer's hardcopy file, providing it has not been used to support a decision
  - an email regarding an individual sent to an incorrect person, but still within QCS, and where advice has been received that the email has been deleted.
- Technical (low level) privacy breaches which have been resolved by the relevant business unit under the *Management of technical (low level) privacy breaches procedure* are still to be reported to the RTI and Privacy Group as the Group needs to report and monitor cause and effect as well as trends about privacy breaches.
- The RTI and Privacy Group and the QCS Cyber Security Unit will liaise in the event of suspected privacy breaches arising from suspected cyber incidents.

## Complaint jurisdiction and timelines

QCS, as an agency, has obligations under the 11 Information Privacy Principles (IPPs) contained in Schedule 3 of the IP Act. Failure to comply with these principles will potentially lead to a privacy breach with consequences that can range from nil or minor, to significant.

Section 164(1) of the IP Act outlines the meaning of a 'privacy complaint'. The elements of a 'privacy complaint' are as follows:

- a complaint;
- by an individual;
- about an act or practice by a relevant entity;
- in relation to the individual's own personal information; and
- that the relevant entity breached its obligations under the IP Act to comply with –
  - a) the privacy principles; or
  - b) an approval under section 157 (waiving or modifying the agency's obligation to comply with the privacy principles).

A 'relevant entity' means an agency, in relation to documents of the agency; or a bound contracted service provider, in relation to documents held by the bound contracted service provider for the purposes of performing its obligations under a service arrangement.

A privacy complaint can be made by a client, customer, or a QCS officer in their capacity as an employee in relation their own personal information. An agent may make a privacy complaint or act on behalf of another individual. However, an agent acting on behalf of the complainant must provide QCS with evidence of their written authority from the complainant to act on the complainant's behalf.

A privacy complaint may be made to any business unit within QCS. However, all privacy complaints must be referred to the RTI and Privacy Group immediately upon receipt of the complaint.

If 45 business days have elapsed since a privacy complaint was made and the complainant has not received a response, or does not consider the response to be adequate, they may refer the matter to the Office of the Information Commissioner (OIC). Information about the OIC's privacy complaint processes is available at [www.oic.qld.gov.au/about/privacy/privacy-complaints](http://www.oic.qld.gov.au/about/privacy/privacy-complaints).

Generally, a privacy complaint must be made within 12 months after the complainant became aware of the act or practice of the entity. Complaints made outside this time period should also be referred to the RTI and Privacy Group and may be reviewed by QCS depending on the circumstances and merits of the matter. A privacy breach assessment report will be completed and provided as necessary to relevant management.

## Professional standards/infrastructure technology

The RTI and Privacy Group will consult with the Professional Standards and Governance Command and/or People Capability Command in instances where the initial assessment of a complaint or investigation may indicate that a QCS officer has acted inconsistently with the *Code of Conduct for Queensland Public Service* or there is alleged or suspected corrupt conduct.

If at the initial assessment stage it is considered that the privacy breach may be a result of a cyber breach, notification will occur to the QCS cyber Security Unit, Digital Services and Information Technology Command (DSITC) and a decision will be made as to whether to enact the cyber security incident response plan and associated playbook.

## Complaints management model

QCS's complaints management model is based on the following process:

1. internal assessment
2. internal investigation (where necessary)
3. internally facilitated resolution
4. outcome and response to a privacy breach
5. response to a privacy complaint.

The steps within this model are further elaborated on in the *Information privacy complaints and breaches procedure*.

## Reporting

A report by the RTI and Privacy Group to senior management listing all current complaints and the outcome of investigations into privacy complaints is updated weekly.

Both qualitative and quantitative data is recorded and captured in the Client Management System (CMS) used by the RTI and Privacy Group and is accessible through reporting within this system if required to review and analyse data.

## Authority

*Information Privacy Act 2009*  
*AS/NZS 1002-2014 Guidelines for complaints management in organizations*  
*Public Sector Act 2022*

*Corrective Services Act 2006*

## Related legislation, procedures and guidelines

*Information privacy complaints and breaches procedure*  
*Information privacy breach and complaint assessment triage form*  
*Client complaint management policy*  
*Management of technical (low level) privacy breaches procedure*  
*QCS Cyber Security Incident Response Plan*  
*QCS Information Security Policy*  
*Queensland Government Cyber Hazard Plan*  
*Code of Conduct for the Queensland Public Service*  
*Human Rights Act 2019*

## Document information and review

Security classification:	Official	Review frequency:	Three (3) years*
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\*An administrative review of this document will be conducted every three years, or at times of critical content changes. In light of amendments made by the *Information Privacy and Other Legislation Amendment Act 2023*, this document will also be reviewed prior to 1 July 2025.

Current version:	Effective date:	Notes:	Next review due:
1	01/03/2021	Removed content not relevant to QCS (i.e. DJAG). Rebadged to align with current QCS corporate identity guidelines.	2024
2	07/03/2024	Minor formatting amendments only.	2025
3	04/07/2024	Changes resulting from internal consultation	2025