



Privacy Plan 2018

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Contents

1. About information privacy	2
2. Our plan and policy	3
3. What is personal information?	4
4. What are information privacy principles?	5
5. Who is responsible for privacy within Council?	5
6. Legislation that affects the way we manage information	6
7. Personal information we collect and manage	8
8. How to access or correct personal information we hold	12
9. What if I believe Council has not followed the privacy principles?	13
Appendix 1 – Information privacy principles	14
Principle 1 – Information collection is lawful and fair	14
Principle 2 – Intended use and purpose is explained	14
Principle 3 – Collection is relevant and not overly intrusive	15
Principle 4 – Information is protected from loss and misuse	15
Principle 5 – Finding out what personal information is collected	15
Principle 6 – Gaining access to personal information	15
Principle 7 – Altering or correcting personal information	16
Principle 8 – Accuracy of personal information	16
Principle 9 – Using personal information for correct purpose	16
Principle 10 – Using personal information for other purposes	16
Principle 11 – Limits on disclosure of personal information	17
Appendix 2 - Personal information exempt from the IP Act 2009	19
Covert activity	19
Witness protection	19
Disciplinary actions and misconduct	19
Whistleblowers	19
Commissions of inquiry	19
Other	19
Appendix 3 – Accessing and correcting personal information	20
Information access application form	20
Correcting personal information application form	20

1. About information privacy

Boulia Shire Council is committed to protecting the privacy and security of personal information it collects and manages about its employees, customers, members of the community, contractors and service providers.

The Information Privacy Act 2009 (IP Act) governs the way public sector agencies such as the Boulia Shire Council, manage personal information. The IP Act contains a set of principles (see Appendix 1) which define how personal information should be managed, and accessed.

The IP Act operates in partnership with the Right to Information Act 2009 (RTI Act):

- The IP Act provides safeguards to protect personal information, and allows people to access and correct their own personal information.
- The RTI Act creates a right for individuals to apply for other non-personal information.

The IP Act may be found on the Office of the Queensland Parliamentary Counsel's Queensland Legislation website:

<http://www.legislation.qld.gov.au/OQPChome.htm>

The Office of the Information Commissioner (the Office) has been established to support the IP and RTI Acts. The Office has produced extensive guidelines on the IP Act, which may be viewed on the Office's website:

<http://www.oic.qld.gov.au>

2. Our plan and policy

The purpose of this plan is to help members of the public understand how personal information is managed within the Council, and provide assurance that their personal information is safeguarded and maintained in accordance with the Information Privacy Act 2009.

In response to the privacy requirements we have produced this privacy plan and reviewed our internal procedures.

Our privacy plan involves the following performance goals:

Goal	Task
Develop sound policies and procedures	<ul style="list-style-type: none">• Monitor and audit personal information Council collects and how it manages it.• Review, and if required, update Council privacy policies and procedures.
Improve awareness	<ul style="list-style-type: none">• Review and if required, update privacy statements on information collection forms.• Publish this plan and privacy information on our web site.• Facilitate privacy awareness training for employees and business units.
Ensure contracts/and outsourced service agreements are compliant	<ul style="list-style-type: none">• Include privacy clauses in all new contracts, service level agreements and other service arrangements which involve dealing with personal information, from the adoption of this policy.

This plan applies to:

- Council employees
- Councillors
- Work experience participants and volunteers
- Community individuals and organisations that perform a function for Council
- Contracted service providers (contractors and consultants) to the Council
- Joint venture partners

3. What is personal information?

Personal information is any information about an individual which allows their identity to be reasonably determined.

It is defined in the Information Privacy Act 2009 as 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.

Examples include:

- A person's name and address
- Signature
- Email address
- Date of birth
- Drivers licence details
- Unlisted phone numbers
- Physical characteristics such as height, birthmarks, tattoos and psychological profiles.
- Sensitive information such as political and religious beliefs, medical records, disabilities and sexual preferences.
- Images and photographs
- Sounds and voice recordings

An individual is a natural person. Information about a company, or someone deceased, is not regarded as personal information. Information generally available to the public (magazines, books, newsletters or newspaper articles and annual reports) is not considered personal information.

Some personal information is considered exempt from the Information Privacy Act 2009:

- Covert activity
- Witness protection
- Disciplinary actions and misconduct
- Whistleblowers
- Commissions of enquiry
- Cabinet and Executive Council documents
- Other documents that are one of the following:
 - A generally available publication
 - A document kept in a library, art gallery or museum for reference, study or exhibition purposes
 - A public record in Qld State Archives, classed as unrestricted
 - A letter or anything else, while it is being transmitted by post

Further explanation on this exempt information is provided in Appendix 2.

4. What are information privacy principles?

There are three sets of privacy principles within the IP Act:

1. Information Privacy Principles (IPP's).
2. Transfer of personal information out of Australia principles.
3. Contracted service provider principles.

There are eleven Information Privacy Principles (see Appendix 1 for detailed descriptions of each principle):

- Principle 1: Collection of personal information (lawful and fair);
- Principle 2: Collection of personal information (requested from individual);
- Principle 3: Collection of personal information (relevance, etc);
- Principle 4: Storage and security of personal information;
- Principle 5: Providing information about documents containing personal information;
- Principle 6: Access to documents containing personal information;
- Principle 7: Amendment to documents containing personal information;
- Principle 8: Checking of accuracy, etc. of personal information before use;
- Principle 9: Use of personal information only for relevant purpose;
- Principle 10: Limits on use of personal information;
- Principle 11: Limits on disclosure of personal information.

Transfer out of Australia principles safeguard the way personal information can be provided to people or organisations outside Australia.

Contracted service provider principles require Council to put in place new contract arrangements that bind contracted service providers to abide by the eleven IPP's.

5. Who is responsible for privacy within Council?

All employees are responsible for ensuring that Council continues to comply with the principles of the IP Act. This includes:

- Council employees
- Councillors
- Work experience participants and volunteers
- Community individuals and organisations that perform a function for Council
- Contracted service providers (contractors and consultants) to the Council
- Joint venture partners

The overall responsibility for privacy in the Bouli Shire Council rests with the Chief Executive Officer.

The day-to-day management of privacy has been delegated to the Records Officer. The Records Officer 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 of formal decisions
- Requests to amend records
- General information on privacy in the Boulia Shire Council.

The Records Officer is also responsible for reporting privacy matters to the Chief Executive Officer, and for preparing relevant statistical reports for senior management.

The Records Officer can be contacted at records@boulia.qld.gov.au or by telephone on (07) 4746 3188.

6. Legislation that affects the way we manage information

The following list identifies some of the legislation that we administer or partly administer in order to deliver our community services and Local Government responsibilities. In some circumstances, this legislation provides specific rules about how we must collect or disclose certain personal information. Complying with those specific rules will not be a breach of the privacy principles.

For example, Acts which prevail over the privacy principles include:

Public Records Act 2002 (Qld)

The Council administers all or parts of the following legislation:

Agricultural Chemicals Distribution Control Act 1966
 Animal Management (Cats and Dogs) Act 2008
 Biosecurity Act 2014
 Brands Act 1915
 Building Act 1975
 Building Units and Group Titles Act 1980
 Burials Assistance Act 1965
 Disaster Management Act 2003
 Environmental Protection Act 1994
 Fire and Emergency Service Act 1990
 Food Act 2006
 Fossicking Act 1994
 Health Act 1937
 Holidays Act 1983
 Industrial Relations Act 2016
 Information Privacy Act 2009
 Judicial Review Act 1991
 Land Act 1994
 Land Protection (Pest and Stock Route Management) Act 2002
 Libraries Act 1988
 Local Government Act 1993
 Local Government Act 2009
 Metropolitan Water Supply and Sewerage Act 1909
 Native Title (Queensland) Act 1993
 Ombudsman Act 2001
 Payroll Tax Act 1971 (Queensland)
 Pest Management Act 2001

Place Names Act 1994
Planning Act 2016
Plumbing and Drainage Act 2002
Property Law Act 1974
Public Health Act 2005
Public Health (Infection Control for Personal Appearance Services) Act 2003
Public Records Act 2002
Queensland Competition Authority Act 1997
Queensland Treasury Corporation Act 1988
Residential Tenancies and Rooming Accommodation Act 2008
Right to Information Act 2009
Soil Conservation Act 1986
State Development and Public Works Organisation Act 1971
State Penalties Enforcement Act 1999
Transport Infrastructure Act 1994
Transport Operations (Marine Safety) Act 1994
Transport Operations (Road Use Management) Act 1995
Water Act 2007
Water Fluoridation Act 2008
Water Supply (Safety and Reliability) Act 2008
Workers Compensation and Rehabilitation Act 2003
Workplace Health and Safety Act 2011

The following legislation, is not directly administered by Council, but affects its activities:

Acquisition of Land Act 1967
Acts Interpretation Acts 1954
Animal Care and Protection Act 2001
Anti-Discrimination Act 1991
Auditor General Act 2009
Civil Aviation Act 1988
Crime and Misconduct Act 2001
Neighborhood Disputes (Dividing Fences and Trees) Act 2011
Electrical Safety Act 2002
Financial Administration and Audit Act 1977
Financial and Performance Management Standard 2009
Gaming Machine Act 1991
Iconic Queensland Places Act 2008
Justices Act 1886
Liquor Act 1992
Mineral Resources Act 1989
Mining and Quarrying Safety and Health Act 1999
Oaths Act 1867
Public Sector Ethics Act 1994
Public Service Act 2008
Queensland Building Services Authority Act 1991
Recording of Evidence Act 1962
Vegetation Management Act 1999
Weapons Act 1990
Whistleblowers Protection Act 1994
Witness Protection Act 2000

7. Personal information we collect and manage

We collect and manage a range of personal information that is necessary for us to deliver local government and community services. It can be broadly grouped into the following categories:

- Staff and personnel information
- Managing finances and contracts
- Managing services, assets and community facilities
- Developing sport, recreation and youth
- Community consultation and development
- Planning, development and assessment information
- Managing enquiries, complaints and local laws
- Regional libraries, art and culture
- Correspondence
- Information and security systems

These categories of personal information can be explained in more detail as follows:

Staff and personnel

- Our employees and prospective employees
- Councillors
- Work-experience students and volunteers
- Committee members, Board members and Advisory group members
- Workplace, Health and Safety incidents
- Gifts and hospitality register

Employee information is used to administer our workforce. It includes personal information volunteered or collected as part of a person's employment history, performance management, payroll, staff selection and recruitment, enterprise bargaining, training, leave and other internal human resource management functions. It may also include personal details about workplace health and safety accidents, including compensation and rehabilitation case files, counselling and disciplinary matters. It may also contain information about access and identification cards, and licenses and tickets to operate plant and equipment.

Personnel information is managed by the Manager Finance and Corporate Services, the Human Resources Officer and the Payroll Section. Where it is required by law, limited and specific employee information is provided to appropriate third parties such as the Australian Taxation Office and Local Government Superannuation Board. Otherwise this personal information is only disclosed to third parties with signed consent from the employee.

Information about licenses and tickets to operate plant and equipment are managed by the WH&S Officer and the Human Resources Officer. These records are not normally disclosed to other persons or organisations, except as required by law for example a workplace, health and safety incident or infringement. Records are kept for variable periods and in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Personal information about Councillors is also collected, and includes personal statements of interest. Council also maintains a register of hospitality and gifts received, which includes details about the donor and recipient of the gift, the nature of the gift and date it was received. Information about Councillors and gifts is managed by the Chief Executive Officer. Records are kept in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Managing finances and contracts

- Vendors and service providers
- People who apply for and/or receive community grants, subsidies and assistance
- Service providers and contractors
- Rates management

This information is used to account for expenditure and revenue, order goods and services, and to manage applicants and receivers of grants, subsidies or financial assistance. Some information is also collected and used to administer service level agreements and manage service providers and tenders.

The information is managed by the Manager Finance and Corporate Services and Director of Works and Operations who are the authorised employees who manage our finance systems and community grants programs. Generally financial and contract personal information is not normally disclosed to other persons or organisations. The few instances disclosure might occur include to external auditors and members of grant assessment panels. Some of the information supplied by not-for-profit organisations in their applications for grants and subsidies is disclosed to a few community representatives appointed to a Council Grants assessment committee. These appointees are under strict guidelines about non-disclosure of this information during and post the assessment process. All of these records are kept in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Rates information is used for recovery of general rates and service charges from owners of land parcels and properties. It includes personal information about the owner, parcels of land, payment records and contact details. The information is managed by the Manager Finance and Corporate Services and the Rates Clerk. Rates staff use the information to manage billing enquiries and financial data relating to rates. All of these records are kept in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Managing services, assets and community facilities

- People in housing owned and managed by Council
- People who hire community venues and facilities
- People who work at the Boulia airport.
- Internal information management systems.

Housing tenancy information is used to manage staff accommodation and residency units for seniors. Information relating to venues and facilities is used to manage bookings, hire and access into the venues. This information is managed by the Community Services Manager (Housing), and administration staff (venues). No information about venue hire is disclosed to any third party. The only tenancy information occasionally disclosed is a contact phone number, and only in those instances when a contractor is needed to undertake a repair in a particular unit or facility. This is done in consultation with the tenant. Records are kept for variable periods and in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Personal information that relates to the Boulia airport is used to comply with the legislated security requirements for aviation and airports. This includes the Aviation Security Identification Card (ASIC) and AusCheck procedures for background checks on people working at the facility. The information is managed by the Director of Works and Operations and the Airport Operations Coordinator. By law, this information is shared with the Attorney

Generals Department of the Australian Government. Records are kept in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Information collected in relation to waste and landfill management is used to manage community complaints or requests regarding landfill operations and waste disposal. The information is managed by the Director of Works and Operations and the Roads and Utilities Officer. Records are kept in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Developing sport, recreation and youth

- People that hold office contact positions in sporting clubs and organisations
- People involved in organised youth programs and activities

Sport and recreation information is used to maintain an up-to-date directory of sport and recreational clubs and organisations within the region. This information is available from the Sports and Recreation Officer on request. The information is generally kept for a period of twelve months, then updated and replaced with the current contact details.

Youth development information is used for registration purposes for younger people participating in programs and events. It includes client and guardian consent information (for youth under 18 years of age), media consent information, any volunteered medical issues, and client complaint issues. The information is managed by the Community Services Manager. Where it is required by law, limited and specific personal information is provided to a referral agency, for example, the Department of Housing. Generally this personal information is not normally disclosed to other persons or organisations. Records are kept for variable periods and in accordance with the general retention and disposal guidelines issued by Queensland State Archives.

Community consultation and development

- People who nominate to and/or participate in community consultation activities
- People nominated for awards, or who make the nomination

At various times, Council conducts community consultation processes, surveys and interviews across the shire. Information collected from these processes is used by Council to develop community and corporate plans, operational strategies and decide on priorities. It also forms a record that Council has sufficiently engaged with the community on particular issues. The information is used to maintain an effective community contact list for subsequent community engagement activities. It is managed by the Chief Executives Office. It is kept for varying periods.

Planning, development and assessment information

- Personal information relating to town planning and development applications
- Personal information relating to decision notices

This information is collected in the process of receiving and tracking development applications, submissions regarding those development applications, and decision notices. This information is required by law under the Planning Act (PA) 2016 and used by Council to assess applications, make appropriate town and rural planning decisions, and set appropriate conditions on permissible development. Much of this information is available to Council staff and Councillors. It is also available to the general public - on request and in accordance with chapter 7, part 3 of the PA. It is managed by the Chief Executive Officer. Records are kept indefinitely and in accordance with the general retention and disposal guidelines issued by Queensland State Archives

Some information is lodged with Council using the electronic lodgement system (SARA – an internet based service for preparing, lodging and tracking development applications. Council has not adopted the full online IDAS publishing system whereby decision notices are published online for public viewing. As a result, personal information lodged via the SARA system is only viewable by the Council staff authorised to access SARA and development planning applications.

Managing enquiries, complaints and local laws

- Personal information relating to administration of local laws and environmental health, and any compliance matters.
- People making general Council enquiries, or lodging complaints and grievances

Personal information is collected in the process of administering permits and licences for a range of local laws conducting investigations relating to these. Examples include operation of food premises, camping grounds, hairdressing and skin penetration premises, commercial use of or goods on footpaths, dangerous goods, transport of regulated waste, advertising signs and portable advertising devices. This information is managed by the Chief Executives Office and Environmental Health Officer. Some of this data is available to Customer Services staff so that they can respond to counter and phone enquiries.

Regional libraries, art and culture

- People who are members of the library and using library resources

Some personal information is collected from local and travelling library customers as part of the registration process to become a library user, and for billing purposes where books and library resources are not returned. This information is managed by the library staff. Temporary library customer information is destroyed once the library resource has been returned. All other records are kept indefinitely within an electronic database with appropriate access restrictions.

Correspondence

- Information addressed to the Mayor
- Information processed by Council business unit staff or referred to us for response

Correspondence addressed to the Mayor or Chief Executive Officer, from the public or other agencies on a wide range of official business, may be referred to the Council for consideration, advice and response, including outward correspondence. This may contain personal information, personal opinions about public administration matters, occupational and organisational information about individuals. Senior Management staff, administrative staff that process correspondence, and other Council staff authorised to respond to the correspondence may have access to this information.

Information and security systems

- Internal information system management – electronic and paper record systems
- Closed circuit television (CCTV) security and public safety systems

Council's information technology system routinely carries, enables processing of, and stores for varying periods, much of the core business and corporate support business of Council. This includes the majority of personal information records described by this privacy plan. The Manager Finance and Corporate Services, the Senior IT Officer and the Records Officers manage the security of Council's electronic and paper record system. Council staff have access to the personal information subject to appropriate security authorisation and operational need:

- Staff supervisors and/or managers
- System administrators
- The individual staff member concerned

On odd occasions, the information system may be accessed by Council's shared service providers when they undertake software technical support roles. This is done under strict confidentiality and information privacy arrangements. All Council personnel are routinely made aware of system usage rules concerning collection and use of the information, and complete and sign an induction about appropriate use.

CCTV photographic imagery is collected and used to monitor security and public safety issues at a number of Council facilities, for example the airport, Council office/Library, Min Min Encounter Information Centre and Shire Hall. Imagery collected is only retained in electronic form and only accessed by authorised officers responsible for managing these issues. If these authorised officers become aware of an incident and depending on the nature of that incident, CCTV recording may be disclosed to the police when requested under official protocol.

8. How to access or correct personal information we hold

If you have seen personal information we hold about you, and you think it is inaccurate, out-of-date or misleading, you can contact us and apply to have it corrected.

Applications to gain access to or alter your personal records must be made in writing as required by the IP Act (privacy principles 6 and 7). These rights are confined to the individual the personal information relates to.

If you wish to gain access to your records, your application needs to:

- be on an approved form (see Appendix 3 Information access application)

If you wish to correct your personal records with Council, your application needs to:

- be on an approved form (see Appendix 3 Correcting my personal information)
- show that you have seen the personal information you think is incorrect
- explain why you think it is incorrect and what needs to be done about it.

There is no charge for asking us to correct your personal information.

You can also visit the State Government - Right to Information and Information Privacy website to get original copies of these files:

- Access form – http://www.rti.qld.gov.au/_data/assets/pdf_file/0005/133277/RTI-Access-App-form.pdf
- Correction form – http://www.rti.qld.gov.au/_data/assets/pdf_file/0009/97335/attachment-4-approved-form-2ip_s.FH11.PDF

9. What if I believe Council has not followed the privacy principles?

If you think that Council has done something with your personal information that breaches the information privacy principles, you can make a complaint. We will try to resolve your concerns promptly. The complaint must be provided in writing to Council. Council must respond to your complaint within forty five business days of receiving it.

If you have lodged a written formal complaint, and you are not satisfied with the response you have received from us, you can refer your complaint to the Office of the Information Commissioner. By law you must not do this until forty-five business days have lapsed from making your first complaint to Council. The Office of the Information Commissioner will decide whether mediation is suitable, and if so, mediate the complaint between you and Council.

If you have a complaint, or would like more information on the complaints process or privacy matters in general:

- please contact the Chief Executive Officer on (07) 4746 3188 or by email to: execassist@boulia.qld.gov.au
- or post your request to the Chief Executive Officer, Boulia Shire Council, Herbert Street, Boulia, QLD, 4829.

Appendix 1 – Information privacy principles

Principle 1 – Information collection is lawful and fair

1. An agency must not collect personal information for inclusion in a document or generally available publication unless:
 - a. the information is collected for a lawful purpose directly related to a function or activity of the agency; and
 - b. the collection of the information is necessary to fulfill the purpose or is directly related to fulfilling the purpose.
2. An agency must not collect personal information in a way that is unfair or unlawful.

Principle 2 – Intended use and purpose is explained

1. This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
2. However, this section applies only if the agency asks the individual the subject of the personal information for either:
 - a. the personal information; or
 - b. information of a type that would include the personal information.
3. The agency must take all reasonable steps to ensure the individual is generally aware of:
 - a. the purpose of the collection; and
 - b. if the collection of the personal information is authorised or required under a law:
 - i. the fact that the collection of the information is authorised or required under a law; and
 - ii. the law authorising or requiring the collection; and
 - c. if it is the agency's usual practice to disclose personal information of the type collected to any entity (the first entity) - the identity of the first entity; and
 - d. if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the second entity)—the identity of the second entity.
4. The agency must take the reasonable steps required under subsection (3):
 - a. if practicable - before the personal information is collected; or
 - b. otherwise - as soon as practicable after the personal information is collected.
5. However, the agency is not required to act under subsection (3) if:
 - a. the personal information is collected in the context of the delivery of an emergency service (for example personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service; and
 - b. the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
 - c. the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

Principle 3 – Collection is relevant and not overly intrusive

1. This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
2. However, this section applies to personal information only if the agency asks for the personal information from any person.
3. The agency must take all reasonable steps to ensure that:
 - a. the personal information collected is:
 - i. relevant to the purpose for which it is collected; and
 - ii. complete and up to date; and
 - b. the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

Principle 4 – Information is protected from loss and misuse

1. An agency having control of a document containing personal information must ensure that:
 - a. the document is protected against:
 - i. loss; and
 - ii. unauthorised access, use, modification or disclosure; and
 - iii. any other misuse; and
 - b. if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
2. Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

Principle 5 – Finding out what personal information is collected

1. An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out:
 - a. whether the agency has control of any documents containing personal information; and
 - b. the type of personal information contained in the documents; and
 - c. the main purposes for which personal information included in the documents is used; and
 - d. what an individual should do to obtain access to a document containing personal information about the individual.
2. An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

Principle 6 – Gaining access to personal information

1. An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
2. An agency is not required to give an individual access to a document under subsection (1) if:

- a. the agency is authorised or required under an access law to refuse to give the access to the individual; or
- b. the document is expressly excluded from the operation of an access law.

Principle 7 – Altering or correcting personal information

1. An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information:
 - a. is accurate; and
 - b. having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
2. Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
3. Subsection (4) applies if:
 - a. an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
 - b. no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
4. The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

Principle 8 – Accuracy of personal information

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used; the information is accurate, complete and up to date.

Principle 9 – Using personal information for correct purpose

1. This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
2. The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

Principle 10 – Using personal information for other purposes

1. An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless:
 - a. the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
 - b. the agency is satisfied on reasonable grounds that use of the information for the other purpose 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; or
 - c. use of the information for the other purpose is authorised or required under a law;or

- d. the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency, for example:
 - i. the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;
 - iv. the prevention, detection, investigation or remedying of seriously improper conduct;
 - v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
- e. the other purpose is directly related to the purpose for which the information was obtained.

Examples for paragraph (e):

An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.

An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.

- f. all of the following apply:
 - i. the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - ii. the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
 - iii. it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.
- 2. If the agency uses the personal information under subsection (1) (d), the agency must include with the document a note of the use.

Principle 11 – Limits on disclosure of personal information

- 1. An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the relevant entity), other than the individual the subject of the personal information, unless:
 - a. the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
 - b. the individual has expressly or impliedly agreed to the disclosure; or
 - c. the agency is satisfied on reasonable grounds that the disclosure 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; or
 - d. the disclosure is authorised or required under a law; or
 - e. the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency:

- i. the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;
 - iv. the prevention, detection, investigation or remedying of seriously improper conduct;
 - v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of court or tribunal; or
- f. all of the following apply:
 - i. the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - ii. the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
 - iii. it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
 - iv. the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
- 2. If the agency discloses the personal information under subsection (1) (e), the agency must include with the document a note of the disclosure.
- 3. If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.
- 4. The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that:
 - a. it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
 - b. the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
 - c. the individual has not made a request mentioned in paragraph (b); and
 - d. in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
 - e. each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.

Appendix 2 - Personal information exempt from the IP Act 2009

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;
- 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 about an individual arising out of a warrant issued under the Telecommunications (Interception) Act 1979 of the Commonwealth.

Witness protection

Personal information about a witness included in a program under the Witness Protection Act 2000, or who is subject to other witness protection arrangements made under an Act.

Disciplinary actions and misconduct

- Personal information about an individual arising out of a complaint made under Part 7 of the Police Service Administration Act 1990.
- Personal information about an individual arising out of an investigation of misconduct or official misconduct under the Crime and Misconduct Act 2001.

Whistleblowers

Personal information about an individual that is contained in a public interest disclosure within the meaning of the Whistleblowers Protection Act 1994, or that has been collected in the course of an investigation arising out of a public interest disclosure.

Commissions of inquiry

Personal information about an individual, that arises out of a commission of inquiry.

Other

Additionally, the privacy principles do not apply to a:

- Document held in a library, art gallery or museum for reference, study or exhibition
- Public record in the open access period held by Queensland State archives
- Letter or anything else while it is being transmitted by post

Appendix 3 – Accessing and Correcting Personal Information

1. Information access application form
Right to Information and Information Privacy Access Application
2. Correcting Personal Information application form
Information Privacy Personal Information Amendment Application form

Access to the above mentioned forms can be gained via the Right to Information section of Council's website (<http://www.boulia.qld.gov.au/right-to-information>)