



Queensland
Integrity Commissioner

Privacy Plan
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Introduction

The Integrity Commissioner makes every effort to protect user privacy

The Queensland Government requires that personal information held by Queensland Government agencies be responsibly and transparently collected and managed in accordance with the requirements of the government's privacy policy.

The primary intent of the policy is to protect the privacy of personal information of the people of Queensland that is collected and used in the delivery of government services and the conduct of government business.

The current scheme operates as an administrative policy.

The government's privacy policy is set out in:

[Information Standard 42 \(IS 42\)](#) (pdf)

[Information Standard 42 \(IS 42\)](#) (word)

Personal information

"Personal information" is defined in IS 42 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."

The information does not have to clearly identify a person, but needs only to provide sufficient information to lead to the identification of a person. IS 42 and the Information Privacy Principles (IPPs) applies to information held by the department by any means whatsoever, including paper and electronic records.

Information Privacy Principles

There are 11 IPPs (based on the privacy principles provided for in the *Federal Privacy Act 1988* (Cth)) that provide guidelines on the collection, handling, use and disclosure of personal information contained in the department's records.

The IPPs are provided in Appendix One.

Personal information of designated persons

The Integrity Commissioner's functions directly affect members of the community who are *designated persons* within the meaning of s.12 of the Integrity Act. As such, as part of the discharge of the Integrity Commissioner's functions, personal information may be collected and used in relation to any or all of the following persons:

- a. the Premier
- b. a Minister
- c. an Assistant Minister
- d. a government member

- e. a statutory office holder
- f. a chief executive officer of a department of government or a public service office
- g. a senior executive officer or senior officer employed in a department of government or public service office
- h. a chief executive officer of a government entity or a senior executive equivalent employed in a government entity who is nominated by the Minister responsible for administering the entity
- i. a person employed in the office of a Minister, or engaged, to give advice to the Minister
- j. a person employed in the office of an Assistant Minister, or engaged, to give advice to the Assistant Minister
- k. without limiting paragraph (i) or (j), a person, or a person within a class of person, nominated by a Minister or Assistant Minister.

These designated persons can apply in writing to the Integrity Commissioner for confidential advice on conflicts of interest. When requests for confidential advice on conflicts of interest are made, the designated person may provide personal information relevant to that issue. Such personal information may include:

- name, title, professional contact details, personal contact details, and any other information that will or may identify the designated person, and
- personal information (which may include opinions) about another individual.

A designated person who provides personal information to the Integrity Commissioner for the purpose of obtaining advice about a conflict of interest issue is obliged to provide accurate information so that reliable advice can be given. If the person seeking advice does not provide enough information about the conflict of interest issue, the Integrity Commissioner may ask for further information (including any additional personal information required).

Personal information of lobbyists

The Integrity Commissioner is required to keep a register of Registered Lobbyists. As part of the discharge of the Integrity Commissioner's functions, personal information may be collected and used in relation to people employed as lobbyists by entities wishing to register as lobbyists.

The personal information may be required by the Integrity Commissioner as part of the registration process specified in the Act or in the Lobbyists Code of Conduct or in regulations. Some of the personal information will be published in the Lobbyists Register as a public document, in accordance with the requirements of the Act. Other personal information may be kept by the Commissioner.

Personal information – general

The Queensland Integrity Commissioner does not collect or maintain its own personnel records. Such records, including employment history, payroll and other administrative information relating to the employees, are maintained by the Department of the Premier and Cabinet.

The Queensland Integrity Commissioner does not keep documents containing the personal information of members of the general community, except when the information is provided by such persons as a basis for seeking confidential advice. Where personal information is provided in this regard, it is maintained in a manner consistent with personal information provided by designated persons.

Disclosure of personal information

The Act requires the Integrity Commissioner to use and/ or disclose personal information in strict accordance with the confidentiality and secrecy provisions of the Act. As such, any personal information collected by the Office of the Queensland Integrity Commissioner is used only for the purpose of giving advice on ethics and integrity issues and is not disclosed to any other person or agency except in accordance with the Act.

Advice provided by the Integrity Commissioner is confidential and is not placed on the website.

Amendment of a person's own personal information

If a designated person, or any other person, wishes to amend her/ his own personal information provided in a written application to the Integrity Commissioner, a written request should be addressed to:

The Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

However, it should be noted that the Lobbyists Register operates by means of an on-line system that allows registered lobbyists enter their own personal and other information.

Existing contracts/licences

The Office of the Queensland Integrity Commissioner does not have any current contracts for goods or services. Nor do we employ the services of business consultants or contractors.

List of public registers

The Queensland Integrity Commissioner does not hold any public registers.

Implementation schedule & review

This Privacy Plan, and a complimentary website 'privacy and security statement', is published with the approval of the Integrity Commissioner and is reviewed annually. This Privacy Plan is available on the Integrity Commissioner's website at www.integrity.qld.gov.au and may also be accessed in hard-copy format via written request to:

Office of the Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

Retention and disposal of records

All records created and maintained by the Office of the Queensland Integrity Commissioner are managed in accordance with the *Public Records Act 2002*.

Security of personal information

All personal information collected by the Integrity Commissioner in order to give advice on conflict of interest issues is securely stored by the Privacy Coordinator. The only people who have access to this information are the Privacy Coordinator and the Integrity Commissioner.

Access to a person's own personal information

All of the personal information collected and maintained by the Queensland Integrity Commissioner is exempt from disclosure under the *Right to Information Act 2009*. As such, persons requesting access to their own personal information (per Information Privacy Principle 6 of IS42) will be refused access.

Privacy complaints

If a person believes that the Office of the Queensland Integrity Commissioner has not dealt with her/his personal information in accordance with IS42, a complaint may be made in writing to the Integrity Commissioner. The complaint must clearly set out the alleged breach of one or more of the Information Privacy Principles and should be made as soon as possible after the incident.

Written complaints should be sent to the Office of the Integrity Commissioner for the attention of the Privacy Coordinator, at the following address:

Attn: Privacy Coordinator
Office of the Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

Appendix 1 – Information Privacy Principles

Information Privacy Principle 1

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - (a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector; and
 - (b) the collection of the information is necessary for or directly related to that purpose.
2. Personal information shall not be collected by a collector by unlawful or unfair means.

Information Privacy Principle 2

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector from the individual concerned;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- the purpose for which the information is being collected;
- if the collection of the information is authorised or required by or under law, the fact that the collection of the information is so authorised or required; and
- any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first-mentioned person, body or agency to pass on that information.

Information Privacy Principle 3

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:

- the information collected is relevant to that purpose and is up to date and complete; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Information Privacy Principle 4

A record-keeper who has possession or control of a record that contains personal information shall ensure:

- (a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- (b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Information Privacy Principle 5

1. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:
 - (a) whether the record-keeper has possession or control of any records that contain personal information; and
 - (b) if the record-keeper has possession or control of a record that contains such information:
 - the nature of that information;
 - the main purposes for which that information is used; and
 - the steps that the person should take if the person wishes to obtain access to the record.
2. A record-keeper is not required under clause 1 of this Principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the State that provides for access by persons to documents.
3. A record-keeper shall maintain a record in the form of a privacy plan setting out:
 - the nature of the records of personal information kept by or on behalf of the record-keeper;
 - the purpose for which each type of record is kept;
 - the classes or types of individuals about whom records are kept;
 - the period for which each type of record is kept;
 - the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
 - the steps that should be taken by persons wishing to obtain access to that information.
4. A record-keeper shall make the record maintained under clause 3 of this Principle available for inspection by members of the public.

Information Privacy Principle 6

Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorised to refuse to provide the individual with access to that record under the applicable provisions of any law of the State that provides for access by persons to documents.

Information Privacy Principle 7

1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:
 - is accurate; and
 - is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.
2. The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the State that provides a right to require the correction or amendment of documents.
3. Where:
 - (a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned; and
 - (b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provision of a law of the State;

the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Information Privacy Principle 8

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Information Privacy Principle 9

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Information Privacy Principle 10

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:
 - (a) the individual concerned has consented to use of the information for that other purpose;
 - (b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
 - (c) use of the information for that other purpose is required or authorised by or under law;
 - (d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
 - (e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.
2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Information Privacy Principle 11

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:
 - (a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;
 - (b) the individual concerned has consented to the disclosure;
 - (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
 - (d) the disclosure is required or authorised by or under law; or
 - (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.
2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.
3. A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.