

Information Privacy Guide

Introduction

The [Information Privacy Act 2009](#) (IP Act) provides for the fair collection and handling of personal information by all Queensland Government agencies. These obligations are set out in Chapter 2 and Schedule 3 (Information Privacy Principles) of that Act.

The IP Act also provides individuals with a right of access to and amendment of personal information in the government's possession and control unless, on balance, it is contrary to the public interest.

Personal information is defined in the IP Act as:

'information or an opinion, including information or 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'

Essentially, personal information is any information about an identifiable person.

The current reprint of the IP Act is available from: www.legislation.qld.gov.au

Purpose of this guide

In accordance with our requirements under Information Privacy Principle 5 (IPP5), this guide provides general information on:

- the type of personal information contained in documents held by the department,
- the main purposes for which this information is used and
- how you can access your personal information held in departmental documents.

It includes what to do if you have concerns about the department's handling of your personal information.

Our key responsibilities

The department manages national parks and their use and enjoyment by all Queenslanders; encourages active lifestyles by providing recreational and sporting opportunities; and manages the racing industry which directly employs 30,000 Queenslanders.

Queensland's protected area estate covers more than 12 million hectares and includes national parks, marine parks, forest reserves and regional parks.

National parks and forests play an important part in building stronger communities by providing recreational activities and helping to build the economy through sustainable ecotourism ventures.

National parks are the cornerstone of Queensland's protected area estate and are an important part of our natural environment and cultural heritage. Through proper management, we aim to ensure that the parks are protected, accessible and valued by all Queenslanders.

By managing important marine protected areas, such as declared fish habitat areas, we aim to ensure sustainable recreational, commercial and indigenous fishing.

We also encourage Queenslanders to lead active, healthy lifestyles by participating in sport and recreation. This is achieved through a suite of initiatives including funding programs, community programs and workshops, active recreation centres and physical activity resources for parents and teachers aimed at getting young Queenslanders physically active.

We help Queenslanders enjoy sport and recreation opportunities by developing and supporting facilities, and develop elite athletes at the Queensland Academy of Sport.

The department is responsible for regulating Queensland's racing industry, to ensure it is commercially responsive and contemporary. We are responsible for ensuring the industry is operated in a responsible and accountable manner and that racing animals are cared for to the highest standard.

Our commitment to the responsible management of personal information

We are committed to ensuring that all personal information is managed in accordance with the privacy principles. In doing so, we will ensure:

- the personal information of our clients and employees will be responsibly and transparently collected, managed, used and disclosed in accordance with the eleven Information Privacy Principles (IPPs)
- personal information will be disclosed to other entities (including agencies, other levels of government or the private sector) responsibly and transparently
- information will only be transferred outside of Australia in accordance with section 33 of the IP Act.
- all reasonable steps will be taken to bind contracted service providers to the IPPs if they are dealing in any way with personal information on our behalf (as per section 35 of the IP Act).

- privacy breaches and complaints will be dealt with in a timely and responsive manner and complainants will be treated with respect throughout the process.
- we will comply with the conditions of any public interest approvals issued by the Information Commissioner under section 157 of the IP Act.

The type of personal information contained in our documents

In delivering its business, the department collects a vast amount of customer and employee personal information.

We are required to collect, manage, use and disclose personal information in accordance with various legislation, policies, procedures and administrative reasons in the course of our day-to-day activities.

The department also manages registers containing personal information, which include, but are not limited to:

- Gifts Register
- Corporate records / financial management records, and
- Consultant/contractor/supplier records

Personal information is also held on departmental files related to business and service delivery functions of the department.

This includes delivery of the following responsibilities:

- Custody and Management of State Forests not part of the Plantation Licence Agreement
- Fish Habitat Areas
- Marine Infrastructure - Strategic Planning
- Marine Parks Management
- National Parks
- Protected Area Estate management and Forest Reserves (excluding Nature Refuges)
- Recreation excluding Natural Resource Recreation and Education
- Racing
- Sport and Recreation

Legislation administered by the department

The department may also deal with personal information in administering the following legislation:

- Fisheries Act 1994 (as it relates to declared Fish Habitat Areas)
- Forestry Act 1959 (jointly administered with the Minister for Agriculture and Fisheries and Minister for Sport and Racing)
- Major Sports Facilities Act 2001
- Marine Parks Act 2004
- Mt. Gravatt Showgrounds Act 1988

- Nature Conservation Act 1992 (to the extent that it is relevant to the management of the protected area estate and forest reserves, excluding Nature Refuges) (jointly administered by the Minister for Environment and Heritage Protection, and the Minister for Agriculture and Fisheries and Minister for Sport and Racing)
- Racing Act 2002
- Recreation Areas Management Act 2006
- Sports Anti-Doping Act 2003

Note: this legislation is current for Administrative Arrangements Order (No.2) 2015 and is subject to change. Refer to: www.qld.gov.au/about/how-government-works/government-responsibilities/.

Personal information dealt with under the Business and Corporate Partnership

The department participates in a business and corporate partnership (B&CP) service delivery model with five other Queensland Government departments.

A Memorandum of Understanding (MOU) is in place regarding the transfer of personal information between the departments for the provision of specified business and corporate services.

The MOU sets out the responsibilities of the participating departments when doing so.

Most importantly, the MOU specifies that the supplying department does not lose control of the information it transfers to the receiving department, as the departments agree to deal with it in a certain way and to return or lawfully destroy it on request.

It is important to note:

- the MOU only applies to personal information transferred between the departments in relation to services provided under the B&CP arrangement
- use of the personal information is only for the function for which it has been transferred and must comply with the limitations under the IP Act
- the departments must continue to abide by any other legal limitations attached to the service provision in relation to the personal information
- the MOU does not provide for transfers of personal information between the departments for purposes other than those established under the B&CP arrangement.

How you can access or request amendment of your personal information

The right of access to and amendment of personal information is dealt with under Information Privacy Principles 6 and 7 of the IP Act.

Access to documents containing personal information

IPP 6 provides that a person is entitled to access any record that contains their personal information, except where access is restricted by any law. This includes the provisions in Chapters 3 of both the [Right to Information Act 2009](#) and the IP Act.

The department endeavours to provide access to personal information informally, without requiring a person to make an application under the RTI or IP Acts.

However, in some situations informal access will not be appropriate, and you may need to make an application under the RTI or IP Act. (For example, if a third party's privacy is also involved).

Amendment of documents containing personal information

IPP 7 provides that a person is entitled to seek an amendment of any record that contains their personal information that is inaccurate, incomplete, out of date or misleading.

Applications can only be made by a person seeking amendment of their own personal information, or of a deceased person to whom they are next of kin.

Applications for access to or amendment of personal information

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:

Telephone: (07) 3330 6111
Email: rtiservices@ehp.qld.gov.au

How you can complain about our handling of your personal information

A 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.

Privacy complaints should be made no longer than twelve months from the date when the act or practice the complaint is about occurred.

If you wish to lodge a privacy complaint, please:

- submit your complaint in writing
- state an address which we can use to contact you, and
- include details about the actions or practice you are complaining about

Mark your complaint as Private and Confidential, and address it to:

The Privacy Officer
Governance and Strategy
Department of National Parks, Sport and Racing
GPO Box 2454
Brisbane Qld 4001
Email: privacy@npsr.qld.gov.au

The department will endeavour to respond to your concerns within 45 business days from the date your complaint is received.

However, in some circumstances, a longer period may be required in order to finalise your complaint. If so, you will be contacted with a view to arranging an extension of time.

On completion, you will be advised in writing of the department's decision, including any remedies that are considered appropriate to resolve the complaint.

What happens if you are not happy with the department's response to your complaint?

If you have made a complaint to the department under the IP Act and you are not satisfied with the response you receive, you can refer your privacy complaint to the Office of the Information Commissioner (OIC)

However, note that your complaint can only be made to the OIC after 45 business days has lapsed from the date the complaint was received by the department.

Refer to the OIC's website for further information: www.oic.qld.gov.au/about/privacy/privacy-complaints

Further information

All legislation referred to in this guide is available from: www.legislation.qld.gov.au.

For general enquiries on the operation and application of Queensland's RTI and IP legislation, please contact the OIC enquiry service:

Telephone: (07) 3234 7373
Fax: (07) 3405 1122
Email: enquiries@oic.qld.gov.au
Website: www.oic.qld.gov.au

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