



# PRIVACY PLAN

ADM 003/2008

Endorsed 17 September 2008  
By John Bradley, Chief Executive Officer

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## 1. Background

The Queensland Government is required to protect the privacy of the people of Queensland in the delivery and conduct of government services and businesses. Queensland has not enacted legislation to achieve this aim, however, has introduced an administrative scheme which was approved by Cabinet in 2001.

The Government's policy on privacy is set out in Information Standard 42 (IS42).

*"Personal information held by Queensland agencies must be responsibly and transparently collected and managed (including any transfer or sale of personal information held by agencies to other agencies, other levels of government or the private sector) in accordance with the requirements of the Information Privacy Principles"*

IS42 establishes a framework for the responsible collection and handling of personal information in the Queensland public sector and is based on 11 Information Privacy Principles (IPPs) which have been adapted from the privacy principles contained in Commonwealth legislation, the *Privacy Act 1988* (Cth). Refer to Attachment 1 for a summary of the IPP's.

IS42 can be accessed at:

[http://www.governmentict.qld.gov.au/02\\_infostand/standards/is42.pdf](http://www.governmentict.qld.gov.au/02_infostand/standards/is42.pdf)

The Queensland Water Commission's Privacy Plan provides information to the public and staff about the Queensland Government's policy on privacy and how the privacy of personal information is to be protected. It also provides guidance to its staff in dealing with personal information about how to assess and, where necessary, change practices to ensure the Commission complies with the Government's privacy policy.

## 2. Purpose

The purpose of the Commission's privacy plan is to provide:

- details about the types of personal information held by the Commission
- details about how individuals can access their personal information held by the Commission
- details of how the Commission will implement its privacy plan
- guidance for Commission officers when dealing with personal information

## 3. Definitions

A set of definitions to supplement this policy is included as Attachment 2.

## 4. Commission Profile

The Queensland Water Commission is an independent statutory body responsible for achieving safe, secure and sustainable water supplies in South East Queensland.

The role of the Commission is to ensure sustainable water supplies by developing long term water supply strategies, establishing a regional water grid, implementing water restrictions, managing water demand, providing advice to government and reforming the water industry. The Commission operates under a legislative framework defined in the *Water Act 2000*, and works in partnership with stakeholders, including government departments, agencies, water service providers, councils and local government.

## **5. What is Personal Information**

Personal information is defined in IS42 as ‘information or an opinion (including information of 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 an individual’s name and address, email address, birth date, drivers licence number, identifying characteristics such as birthmarks, tattoos, and psychological profiles. It also includes sensitive information such as political and religious beliefs, medial records, disabilities and sexual preferences.

Personal information for the purpose of Information Privacy Principles 6 and 7 is limited to information concerning an individual’s “personal affairs” as the phrase “personal affairs” has been interpreted in the *Freedom of Information Act 1992*.

Examples include individual’s signature, financial obligations, health or ill health, domestic responsibilities, affairs relating to family and marital relationships, and a person’s income and personal financial position.

The information does not have to clearly identify a person. It need only provide sufficient information to lead to the identification of a person. It is not limited to confidential or sensitive personal details. It covers information held in paper or electronic records.

## **6. Personal information exempt from IS42**

The types of personal information exempt from IS42 are as follows:

### **6.1 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 *Commonwealth Telecommunications (Interception) Act 1979* (Cth).

### **6.2 Witness protection**

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

### **6.3 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*.

#### **6.4 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.

#### **6.5 Cabinet and Executive Council documents**

- Personal information about an individual that is contained in a Cabinet or Executive Council document referred to in sections 36 and 37 of the *Freedom of Information Act 1992*.

#### **6.6 Commissions of Inquiry**

- Personal information about an individual arising out of a royal commission or commission of inquiry.

### **7. Privacy and Security Statement**

The Commission is committed to protecting your privacy by complying with the 11 Information Privacy Principles contained in IS42.

The Queensland Water Commission will comply with the Information Privacy Principles in relation to the collection, storage, use and disclosure of personal information that you as a client may supply to us. The Commission will only collect information if it is necessary to provide a service to you, or maintain a relationship with you.

Any information collected will not be used or disclosed other than for the purpose:

- for which it was collected
- that you would reasonably expect
- required or permitted by law or
- authorised by you

#### **7.1 Commission's Website**

The Commission's website: [www.gwc.qld.gov.au](http://www.gwc.qld.gov.au) is a Queensland Government website. In regard to your access to the Commission's website, no attempt is made to identify your personal details; however, any general information regarding access will only be used in the event of an investigation when a law enforcement agency may exercise a warrant to inspect the Internet Service Provider's logs.

Our Internet Service Provider's standard web logs record anonymous information for statistical purposes only, including:

- the type of browser you are using
- your traffic patterns through our site such as the:
  - date and time of your visit to our site
  - pages you accessed and documents downloaded
  - previous page you visited prior to accessing our site
  - Internet address of the server accessing our site

## **7.2 Cookies**

Cookies are small pieces of information (text) that a web site can transfer to an individual's computer hard drive for record keeping. Cookies can reside on an individual's machine for a fixed period of time, or expire at the end of an Internet session.

The Commission's website does not use cookies. Unless you provide your details, the Commission will not be able to identify you from your use of its site.

## **7.3 E-mail**

Email correspondence sent to the Commission's website is treated as a public record and will be retained as required by the *Public Records Act 2002* and other relevant regulations. It will also be subject to the provisions of the *Freedom of Information Act 1992*.

The Commission will not add any details from your e-mail to a mailing list or disclose your details to third parties without your consent, unless required by law. Our Internet Service Provider monitors e-mail traffic for system trouble shooting and maintenance purposes only.

## **8. Types of personal information held by the Commission**

### **8.1 Privacy Complaints**

A register of complaints received by the Commission in regard to the alleged misuse of personal information is maintained. This register includes the name and contact details of complainants and includes details regarding the type of allegation.

### **8.2 Stakeholder and Government contact lists**

These lists can be electronic, paper-based or in business card form. They are compiled from information received from stakeholders or government officers. The information mainly consists of business details.

### **8.3 Employee records**

Employee records are held for the purposes of maintaining employment history, payroll and administrative information relating to all permanent, contract and temporary staff members of the Commission. It should be noted that not all records are kept in a common storage facility. Separate security arrangements will apply depending on the nature and the sensitivity of the information.

Access to information relating to employee records is restricted to staff within the Human Resources sections of the Commission and the Shared Services Agency who are directly responsible for the maintenance of that information, and relevant supervisors or managers. Staff members may access their own records only.

Information contained within advertised position applications is distributed to members of selection panels.

### **8.4 Correspondence records**

Correspondence records are used to record and monitor the progress of Commission and Ministerial correspondence forwarded for consideration. Copies of correspondence are held electronically and in paper form. Staff responsible for preparing correspondence, and their supervisors, access information in this system as needed.

## **8.5 Freedom of Information**

The *Freedom of Information Act 1992* (FOI Act) requires information concerning documents held by government to be made available to members of the community, to enable members of the community to obtain access to documents held by government and to enable members of the community to ensure that documents held by the government concerning their personal affairs are accurate, complete, up-to-date and not misleading, and for related purposes.

Freedom of Information (FOI) records are maintained in both electronic and paper-based forms. Access to personal information once collated is restricted to FOI staff and internal review officers. Information may be forwarded to the Office of the Information Commissioner if an application for external review is received by that office.

## **8.6 Consultants and contractors records**

Records relating to consultants and contractors, including signed contracts and responses to requests for offer and public tenders, are held in paper-based and electronic forms.

## **9. How long are records kept**

The disposal of the Commission's records is governed by the *Public Records Act 2002* (the Act). Under the Act, a record cannot be disposed of without authority from the State Archivist or other legal authority.

The Commission's records are kept for varying periods in accordance with the Act and the *General Disposal and Retention Schedule for Administrative Records* issued under the Act. If you wish to view the *General Disposal and Retention Schedule for Administrative Records* you do so via the internet at [www.archives.qld.gov.au](http://www.archives.qld.gov.au) or you can contact Queensland State Archives on (07) 3875 8755.

## **10. Contracts, licences and outsourcing arrangements**

The Commission outsources the functions of personnel and payroll management to the Shared Services Agency (SSA).

The Operating Level Agreement between the Commission and SSA requires both parties to adhere to IS42 and the respective agencies' codes of conduct in relation to matters of privacy and confidentiality.

## **11. Access to and amendment of personal information**

Right of access to and amendment of personal information is limited to existing rights under the FOI Act.

As a general principle, subject to the exemption provisions of the FOI Act, a person is given access to personal information concerning their own personal affairs, but not information concerning the personal affairs of another person. However, there are exceptions to the general principle.

It is in the public interest that a person has access to information held by about them by government, so in most cases, access to your own personal information will be granted. However, under the FOI Act, your own personal information might be classified as exempt if 'its disclosure would disclose information concerning the personal affairs of another person, whether living or dead, unless its disclosure would, on balance, be in

the public interest.’ Each case is assessed on its merits by the person delegated by the Chief Executive Officer to perform this function.

Requests for access to or amendment of records containing personal information must be made in writing to the Commission, as required by the FOI Act, and set out the details of the information to which access is requested. There is no application fee for access to personal information. FOI applications should be forwarded to:

**Freedom of Information Officer  
Queensland Water Commission  
PO Box 15087  
City East QLD 4002**

## **12. Complaint procedures**

If a person believes that the Commission has not dealt with personal information appropriately, a complaint may be made.

The Commission has a *Privacy Complaints Handling Procedure* in place for dealing with complaints relating to breaches or perceived breaches of privacy relating to personal information. The Commission has a [Privacy Complaint](#) form that can be used, however, is not compulsory as long as the required details are provided. Written complaints should be forwarded to:

**Privacy Contact Officer  
Queensland Water Commission  
PO Box 15087  
City East QLD 4002**

Complaints may also be lodged via fax on 07 3227 8227 or emailed to [privacy@qwc.qld.gov.au](mailto:privacy@qwc.qld.gov.au).

A complaint should be made within six months of the date that the breach of privacy relating to personal information is considered to have occurred. Complaints will be acknowledged in writing within 14 days of the date the complaint is received by the Commission, and processed within 30 business days of receipt. Complainants will be advised in writing of the outcome of the Commission’s investigation.

If a complainant does not agree with the Commission’s decision, they may apply in writing to the Commission’s Chief Executive Officer for review of the decision. Applications for review should be made within 28 days of the complainant receiving the initial complaint decision. The review will be completed within 28 days of receipt of the application for review and the complainant will be notified in writing of the outcome of the review.

### 13. Official endorsement

<b>Name</b> John Bradley	<b>Position</b> Chief Executive Officer
<b>Signature</b>	<b>Date</b> 17 September 2008

### 14. Revision history

<b>Date</b>	
<b>Author</b>	
<b>Notes</b>	

## Information Privacy Principles

The Information Privacy Principles as set out in Information Standard 42 (IS42) may be summarised as follows:

### **Principle 1 - Manner and purpose of collection of personal information:**

Personal information shall be:

- collected for a lawful purpose directly in relation to a function or activity of the collector;
- necessary for or directly related to that purpose; and
- not collected by unlawful or unfair means.

### **Principle 2 - Solicitation of personal information from individual concerned:**

Where personal information solicited from an individual to be included in a record or in a generally available publication, the collector shall take reasonable steps to ensure that the individual concerned is generally aware:

- of the purpose for which the information is being collected;
- that its collection is authorised or required by or under law (if applicable); and
- of any usual practice by which the collector discloses the information.

The individual should be made aware of this before the information is collected or if this is not practicable, as soon as practicable after the information is collected.

### **Principle 3 - Solicitation of personal information generally:**

Where personal information is solicited for inclusion in a record or in a generally available publication, the collector shall take reasonable steps to ensure that the information collected is:

- relevant to the purpose for which it is being collected;
- up-to-date and complete; and
- does not unreasonably intrude upon the personal affairs of the individual concerned.

### **Principle 4 - Storage and security of personal information:**

A record-keeper who has possession or control of a record containing personal information shall ensure that the record is protected by reasonable security safeguards (eg. against loss or unauthorised use) and everything that can be reasonably done by the record-keeper is done to prevent unauthorised use.

### **Principle 5 - Information relating to records kept by record-keeper:**

A record-keeper who has possession or control of records containing personal information shall take reasonable steps to enable a person to determine:

- whether a record contains personal information and if it does, the nature of that information;

- the main purposes for which the information is used; and
- the person's capacity to access the information.

A privacy plan must be maintained (setting out this and other specified information) and available for inspection by members of the public.

**Principle 6 - Access to records containing personal information:**

Where a record-keeper has possession or control of a record containing personal information, the individual concerned shall be entitled to have access to the record except to the extent that the record-keeper may refuse to provide the individual with access under the applicable laws of the State.

**Principle 7 - Alteration of records containing personal information:**

A record-keeper who has possession or control of a record containing personal information shall take reasonable steps by way of amendment or correction, to ensure that the record is accurate and, having regard to the purpose for which it is collected, is complete and not misleading.

Where the record-keeper is not willing to amend the record in accordance with a request by the individual concerned and no decision to the effect that the record should be amended in accordance with that request has been made under the applicable law, the record-keeper shall, if requested by the individual concerned, take reasonable steps to attach to the record any statement provided by the individual of the amendment sought.

**Principle 8 - Record-keeper to check accuracy of personal information before use:**

A record-keeper who has possession or control of a record containing personal information shall not use that information without taking reasonable steps 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.

**Principle 9 - Personal information to be used only for relevant purposes:**

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

**Principle 10 - Limits on use of personal information:**

A record-keeper who has possession or control of a record containing personal information that was obtained for a particular purpose shall not use the information for any other purpose unless the:

- individual concerned has consented;
- record-keeper reasonably believes that the alternate use of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
- use of the information for the other purpose is reasonably necessary for enforcement of the criminal law or a law imposing a pecuniary penalty or for the protection of public revenue; or
- purpose is directly related to the purpose for which the information was obtained.

**Principle 11 - Limits on disclosure of personal information:**

A record-keeper who has possession or control of a record containing personal information shall not disclose the information unless the:

- individual concerned is reasonably likely to have been aware that information of that kind is usually passed to a certain person, body or agency;
- individual has consented to the disclosure or the record-keeper reasonably believes that the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual or of another person;
- disclosure is required or authorised by or under law; or
- disclosure is reasonably necessary for the enforcement of the criminal law or a law imposing a pecuniary penalty or for the protection of the public revenue.

**Definitions**

<p>Chief Executive Officer</p>	<p>Chief Executive Officer of the Queensland Water Commission.</p>
<p>Executive Management Group</p>	<p>Chief Executive Officer; Executive Director, Regional Planning and Policy; Executive Director, Corporate Policy and Governance; Director, Demand Efficiency and Substitution; Executive Director, Water Reform; Director, Communications and External Relations.</p>
<p>Personal information</p>	<p>IS42 defines ‘personal information’ 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 reasonable be ascertained, from the information or opinion.’</p> <p>The information does not have to clearly identify a person. It only needs to provide sufficient information to lead to the identification of a person. It is not limited to confidential or sensitive personal information. Examples of personal information include a person’s name, address, date of birth or phone number. IS42 covers information held in paper or electronic records and may extend to body samples or biometric data.</p>