

Information Privacy

1. Introduction

Stadiums Queensland is required to comply with the *Information Privacy Act 2009* (the Act).

The purpose of the Act is to provide for fair collection and handling of personal information and to provide an appropriate level of protection to that information to protect the privacy of individuals to whom that information relates and to give right of access to, and amendment of, personal information in the Government's possession or under the Government's control.

The Act is closely related to the *Right to Information Act 2009*.

2. Purpose

The purpose of this policy is to provide a framework to support Stadiums Queensland's compliance with the Act through:

- establishing the framework in which personal information is collected, stored, handled, accessed, amended, managed, transferred, used and disclosed by Stadiums Queensland;
- assigning Privacy roles and responsibilities;
- identifying the links between Privacy and other information management programs (e.g. recordkeeping, Right to Information, information security, etc.)

3. Definitions

Document is defined by section 36 of the *Acts Interpretation Act 1954* as:

- any paper or other material on which there is writing;
- any paper or other material on which there are marks, figures, symbols, or perforations having meaning for a person qualified to interpret them; and
- any disc, tape, or other article or any material from which sounds, images, writing or messages are capable of being reproduced (with or without the aid of any other article or device).

Information Privacy Principle (IPP) means any of the Information Privacy Principles set out in Schedule 3 of the *Information Privacy Act 2009*. The principles set out the rules for the management of personal information within the Queensland Government.

Personal information is 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.

Clean desk practice requires all information containing personal, confidential or protected matter not to be left on a desk in full view of a passer-by. This is especially important when leaving the desk for a period of time. Placing the matter in lockable drawers or retuning it to the records shelving is preferred.

4. Roles and Responsibilities

Delegations

The Stadiums Queensland Administrative Delegations contain Information Privacy decision making and internal review delegations.

Group Executive, Finance and Corporate Services

The Group Executive, Finance and Corporate Services is responsible for:

- supporting the development and implementation of Privacy practices, plan/s, policies and procedures;
- ensuring performance management programs (which require staff to comply with the Privacy policies and procedures) are implemented; and
- undertaking internal reviews of Privacy decisions made by the Information Management Coordinator.

Group Executives and Venue Managers

Group Executives and Venue Managers are responsible for implementing Privacy policies, practices and procedures within their business unit or venue and regularly checking the 'clean desk' practice is adhered to by Stadiums Queensland staff.

Information Management Coordinator

The Information Management Coordinator is Stadiums Queensland's Privacy Contact Officer and is responsible for:

- developing and implementing Privacy practices, policies and procedures;
- processing information privacy access and amendment applications;
- recording amendments and notations on personal information in response to amendment applications;
- making decisions relating to Privacy complaints;
- ensuring that appropriate records are kept relating to access and amendment applications and privacy complaints;
- providing advice on Privacy requirements to all staff;
- developing and reviewing the privacy and security statement published on the Stadiums Queensland website and privacy notices relating to Stadiums Queensland's forms and emails;
- developing and implementing Privacy awareness programs to provide all staff with an understanding of their Privacy roles and responsibilities;
- developing and implementing internal control procedures to support Privacy compliance;

All Staff

All staff are responsible and accountable for protecting the privacy of other people, whether staff, clients or visitors at all times by:

- complying with Stadiums Queensland's Privacy policy and associated procedures;
- implementing a 'clean desk' practice – all information containing personal, confidential

- or protected matter should not be left unattended or in full view and is securely stored;
- not providing any documents, images or verbal advice relating to a person or personal information Stadium Queensland holds, to another person, agency or organisation, without the explicit written consent of the person concerned;
- not collecting, accessing, using, disclosing or altering any personal information without the consent of the person concerned and without authorisation to do so.

5. Business Application

5.1 Information Privacy Principles

The Act includes 11 IPPs which cover the collection, storage and security, access and amendment, accuracy and use and disclosure of personal information.

Collection (see Section 5.1.1)

- Principle 1 - Collection of personal information (lawful and fair);
- Principle 2 - Collection of personal information (requested from individual); and
- Principle 3 - Collection of personal information (relevance, etc.).

Storage and Security (see Section 5.1.2)

- Principle 4 - Storage and security of personal information.

Access and Amendment (see Section 5.1.3)

- Principle 5 - Providing information about documents containing personal information;
- Principle 6 - Access to records containing personal information; and
- Principle 7 - Amendment of documents containing personal information.

Accuracy (see Section 5.1.3)

- Principle 8 - Checking of accuracy, etc. of personal information before use by agency.

Use and Disclosure (see Section 5.1.3)

- Principle 9 - Use of personal information only for relevant purpose;
- Principle 10 - Limits on use of personal information; and
- Principle 11 - Limits on disclosure.

Staff must comply with the procedures for collection, storage, security, access, amendment, use or disclosure of personal information held by Stadiums Queensland.

5.1.1 Collection - Information Privacy Principles 1, 2 and 3

Stadiums Queensland will only collect personal information where it relates directly to the functions or activities being performed. The information will be collected by fair means, and will not unreasonably intrude upon the privacy of the person concerned. When collecting personal information, a privacy notice (see Section 5.2 Collection of Personal Information) will be provided which includes information about any other additional purposes for which the information may be used (which may not be immediately evident to the person).

5.1.2 Storage and Security - Information Privacy Principle 4

Stadiums Queensland will take all reasonable steps to prevent the unauthorised access, use, disclosure, modification or destruction of personal information by providing adequate security and storage systems and implementing appropriate practices.

Individuals providing information to Stadiums Queensland can expect the information will be stored securely and any access to personal information will be permitted for legitimate reasons only.

Staff are to protect all personal information under their control (including information located in their office, desk or offsite) through appropriately storing the information and implementing a 'clean desk' practice.

5.1.3 Access and Amendment - Information Privacy Principles 5, 6 and 7

Under the *Information Privacy Act 2009* individuals are entitled to access any documents containing their personal information and if required seek amendment to such information if it is incomplete, inaccurate, misleading or out-of-date (see Section 5.3 Access or Amendment of Information). As it is an offence to delete or dispose of a public record without proper authorisation (in accordance with the *Public Records Act 2002*), personal information may only be amended or a notation added to correct the information. Amendments may only be carried out by the Information Management Coordinator.

Unless authorised, staff are not to provide access to, or disclose to any person, personal information contained in any of Stadiums Queensland's documents, images or verbal advices without the explicit written consent of the person concerned.

5.1.4 Accuracy - Information Privacy Principle 8

Stadiums Queensland will take all reasonable steps to maintain the accuracy, currency and completeness of its personal information. Where possible, staff are to check the accuracy of personal information prior to its use.

5.1.5 Use and Disclosure - Information Privacy Principles 9, 10 and 11

Stadiums Queensland will use the personal information it holds for the sole purpose for which it was collected unless authorised by the person concerned, or authorised by legislation, to use it for an alternative purpose. Personal information will only be disclosed to those parties listed during the original collection or where the person concerned has consented to its disclosure.

5.1.6 Documents to which the privacy principles do not apply

Published personal information or publicly available personal information is not considered personal information under the Act and therefore the Information Principles do not apply. Additionally, personal information relating to covert law enforcement activities, witnesses in witness protection, whistleblowers, certain types of disciplinary and misconduct actions, cabinet and executive council material and commission of inquiry documents are exempt from application by the individual for access and amendment.

5.2 Collection of Personal Information

All forms, templates, surveys, etc and oral transactions used to collect personal information must include a privacy notice explaining:

- why the information is being collected;

- any law that authorises the collection of the information;
- what Stadiums Queensland will use the information for; and
- to whom the information is normally disclosed.

It is the responsibility of the creator of the form, template, survey, etc or the staff member contacting the person, to provide an appropriate notice and if necessary, record consent of the person concerned. Oral collections of personal information will require written consent or authorisation from the person concerned.

Staff responsible for the collection, storage, management, access, use or disclosure of personal information should contact the Information Management Coordinator to discuss the suitability of the proposed privacy notice and consent process prior to requesting or collecting personal information.

5.3 Access or Amendment of Information

Under the *Information Privacy Act 2009* individuals are entitled to access any documents containing their personal information and if required seek amendment to such information if it is incomplete, inaccurate, misleading or out-of-date.

5.3.1 Access Applications

An individual who wishes to be given access to a document/s which contains personal information about themselves may apply for access to the document/s. Applications must be lodged in writing, by either completing the *Right to Information and Information Privacy Access Application* form available on the Right to Information website (www.rti.qld.gov.au) or by sending a written request containing:

- name, contact details and authorisation of the applicant;
- description of the documents required; and
- proof of identity.

Applications should be addressed to:

The Privacy Contact Officer
Stadiums Queensland
PO Box 1834
Milton Qld 4064

5.3.2 Amendment Applications

An individual who has access to a document containing personal information about themselves may apply for amendment of the personal information (personal information cannot be disposed of or deleted). Applications to amend personal information must be lodged in writing, by either completing the *Information Privacy Personal Information Amendment Application* form available on the Right to Information website www.rti.qld.gov.au or by sending a written application containing:

- name, contact details and authorisation of the applicant;
- the information the applicant claims is inaccurate, incomplete, out of date or misleading;
- required amendments to correct the information; and
- proof of identity.

Applications should be sent to the address set out in Section 5.3.1.

5.3.3 Processing Applications

When an Information Privacy application is received, it will be processed by the Information Management Coordinator in accordance with the Act.

5.3.4 Application time frames

Applications will be processed within the time limits prescribed within the Act unless both the applicant and Stadiums Queensland agree to a change. This agreement must be documented in writing.

5.4 Review Process

If an applicant is aggrieved by a decision made by Stadiums Queensland in relation to their Information Privacy application, an internal and/or external review may be requested.

5.4.1 Internal Review

The Group Executive, Finance and Corporate Services is responsible for performing internal reviews of Information Privacy decisions. The Group Executive, Finance and Corporate Services will evaluate the review request as if it was a new application. Upon arriving at a decision, the applicant will be informed of the review result and the reason for the decision. External review rights will also be explained to the applicant.

All applications for an internal review of a decision must be in writing and include:

- name, contact details and authorisation of the applicant; and
- details of the decision for review.

Applications should be sent to the address set out in Section 5.3.1

5.4.2 External Review

The Information Commissioner is responsible for performing external reviews of Information Privacy decisions. An applicant may choose to bypass the internal review process and proceed to an external review.

All applications for an external review of a decision must be in writing and include:

- name, contact details and authorisation of the applicant; and
- details of the decision for review.

5.5 Privacy Complaints

A person who believes their personal information has not been treated in accordance with the Act, or who believes Stadiums Queensland has mishandled their personal information may make a privacy complaint. In the first instance, the individual must lodge their complaint with Stadiums Queensland. The Information Management Coordinator is responsible for reviewing Information Privacy complaints and responding to applicants. Stadiums Queensland will

respond to the individual regarding their complaint within 45 business days in accordance with the Act.

An individual may choose to make a complaint to the Information Commissioner if they are not happy with the decision made by Stadiums Queensland. In order to be valid, the complaint must:

- be written;
- include an address to which correspondence may be sent; and
- provide sufficient information about the privacy breach.

There is no fee or charge for making a privacy complaint.

Complaints generally occur when there is insufficient or no explanation of why the personal information is being collected, or when personal information or images of a person have been used or disclosed to another party without consent being provided. Therefore, it is imperative whenever personal information is collected, stored, amended, managed, transferred, handled, used, accessed and disclosed to adequately inform the person concerned and freely obtain consent.

6. References

- *Acts Interpretation Act 1954 (Qld.)*
- *Major Sports Facilities Act 2001 (Qld.)*
- *Information Privacy Act 2009 (Qld)*
- *Right to Information Act 2009 (Qld)*
- *Public Records Act 2002 (Qld.)*
- *Stadiums Queensland Administrative Delegations*
- *Right to Information and Information Privacy Access Application form*
- *Information Privacy Personal Information Amendment Application form*