

Queensland Police Service Information Privacy Plan

Information Privacy Plan

Introduction

1. Queensland Government agencies are subject to the *Information Privacy Act 2009* which is designed to protect all forms of personal information from being lost, misused or inappropriately modified or disclosed.
2. The *Information Privacy Act 2009* was enacted on 1 July 2009 and replaces the former administrative privacy scheme in Information Standard 42.
3. This Privacy Plan details the approach the Queensland Police Service will take to implement the *Information Privacy Act 2009*.

Personal Information

1. Personal information is defined as any information that would allow an individual to be identified, for example, their name, age or physical characteristics. Personal information can be an opinion, which need not be true, or anything from which the person's identity could reasonably be ascertained.
2. Personal information may be stored on a variety of media such as paper, electronic database, photographic and video image, audiotape, digital form, and may also extend to body samples and biometric data.

Exemptions

1. Personal information relating to the following is exempt from the provisions of the Information Privacy Act 2009:
 - **Covert activity-** controlled operation or controlled activity within the meaning of the *Police Powers and Responsibilities Act 2000* or arising out of a warrant issued under the *Telecommunications (Interception) Act 1979 (Cwlth)*;
 - **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.;
 - **Disciplinary actions and misconduct-** personal information about an individual arising out of a complaint made under Part 7 of the *Police Service Administration 1990* or an investigation of police 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 an investigation arising out of a public interest disclosure under the *Whistleblowers Protection Act 1994*.;
 - **Cabinet and Executive Council documents-** A document to the extent it contains personal information that is also the subject of the Right to Information Act, schedule 3, section 1, 2 or 3.and
 - **Commissions of Inquiry-** personal information about an individual arising out of a commission of inquiry.
 - **Generally available publication** – a publication that is, or is to be made, generally available to the public, however it is published.
 - **Reference and study documents** – a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition;
 - **Public records** - a public record under the *Public Records Act 2002* in the custody of Queensland State Archives that is not in a restricted access period under that Act;

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- **Postal material** - a letter, or anything else, while it is being transmitted by post.
2. In addition, the Queensland Police Service, along with other law enforcement agencies, has been given exemption from a number (not all) of the requirements for its law enforcement functions. These exemptions relate to Privacy Principles 2, 3, 9, 10 and 11 and are interpreted as being relevant to any matter undertaken in accordance with operational policing functions and administrative activities that are properly incidental to those operational policing functions. The Queensland Police Service does not have an exemption from the Information Privacy Principles in respect of its administrative functions.

Legislation Administered by the Queensland Police Service

1. The Queensland Police Service has responsibility for administering the following Acts:
- *Weapons Act 1990,*
 - *National Crime Authority (State Provisions) Act 1985,*
 - *Police Powers and Responsibility Act 2000,*
 - *Prostitution Act 1999,*
 - *Public Safety Preservation Act 1996,*
 - *Queensland Police Welfare Club Act 1970,*
 - *Suppression of Gambling Act 1895,*
 - *Vagrants Gaming and Other Offences Act 1931, and*
 - *Police Service Administration Act 1990.*
2. Apart from the access and amendment scheme in Chapter Three of the *Information Privacy Act 2009*, the Act will operate subject to the provisions of other legislation concerning the collection and disclosure of personal information. This has particular relevance to the following Acts:
- *Adoption of Children Act 1964,*
 - *Animal Care and Protection Act 2001,*
 - *Art Union and Public Amusements Act 1992,*
 - *Casino Control Act 1982,*
 - *Charitable and Non Profit Gaming Act 1999,*
 - *Child Care Act 1991,*
 - *Children Services Tribunal Act 2000,*
 - *Children and Young People Act 2000,*
 - *Commission for Children and Young People Act 2000,*
 - *Corrective Services Act 2000,*
 - *Crime and Misconduct Act 2001,*
 - *Dental Practitioners Registration Act 2001,*
 - *Education (Teachers Registration) Act 1988,*
 - *Electoral Act 1992,*
 - *Environmental Protection Act 1994,*
 - *Explosives Act 1999,*
 - *Family Services Act 1987,*
 - *Gaming Machine Act 1991,*
 - *Guardianship and Administration Act 2000,*
 - *Interactive Gambling (Player Protection) Act 1998,*
 - *Justices of Peace and Commissioners for Declaration Act 1991,*

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- *Keno Act 1996,*
- *Lottery's Act 1994,*
- *Medical Practitioners Registration Act 2001,*
- *Mental Health Act 2000,*
- *Motor Accident Insurance Act 1994,*
- *Nature Conservation Act 1992,*
- *Occupational Therapists Registration Act 2001,*
- *Optometrists Registration Act 2001,*
- *Pharmacists Registration Act 2001,*
- *Physiotherapists Registration Act 2001,*
- *Police Powers and Responsibilities Act 2000,*
- *Police Service Administration Act 1990,*
- *Private Health Facilities Act 1999,*
- *Prostitution Act 1999,*
- *Racing and Betting Act 1980,*
- *Road Transport Reform Act 1999,*
- *Security Providers Act 1993,*
- *Speech Pathologists Registration Act 2001,*
- *State Transport (People Movers) Act 1989,*
- *Tow Truck Act 1973,*
- *Travel Agents Act 1988,*
- *Wagering Act 1998,*
- *Weapons Act 1990,*
- *Wine Industry Act 1994, and*
- *Work Cover Queensland Act 1996.*

General Criteria Applicable to Personal Information held by the Queensland Police Service

1. The following is applicable to all classes of personal information held by the Queensland Police Service:
 - These records relate to a range of persons. Identifiers can include name, date of birth, address, gender, telephone numbers, employment records, education details, and passport, motor vehicle registration and driver's licence details.
 - The records are kept according to the categories set out in the standard 'Retention and Disposals Schedule' issued by Queensland State Archives. Separate storage and security arrangements apply depending on which business area holds the records and the sensitivity and classification of the information.
 - The Queensland Police Service's Statement of Affairs and Publication Scheme sets out the various ways in which individuals can access personal information.
 - Records are held in the various functional or geographical areas of the Queensland Police Service and are stored in various mediums.

Classes of Personal Information held by the Queensland Police Service

1. General Information

These records assist in the effective and efficient operation of the Queensland Police Service. Relevant documents include messages, registers, minutes, lists, correspondence and directories.

The information contained in these records may include personal identifiers relevant to the purpose of the document or record.

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The sensitive details that are contained in these records may include information about employment records of Queensland Police Service personnel, criminal convictions and criminal intelligence.

Some information may be released to the Department of Justice and Attorney General, the courts and other tribunals such as the Administrative Appeals Tribunal and the Mental Health Tribunal.

Such information may be released to other agencies where there is a specific legislative requirement or where there is a law enforcement or judicial requirement.

1. Personnel Records

These records are used to maintain all employment activity including payroll, recruitment and associated administrative activity relating to all current and former employees, contract employees and applicants for positions within the Service.

Contents of personnel records include personal identifiers and information volunteered or collected as part of a person's employment history.

Access to personnel records is restricted to managers and personnel management staff, selection committees (as appropriate), the individual to whom the record relates and, as appropriate, personnel specialists, investigators (in this case of misconduct), security officers, and to internal and external auditors.

Information held in personnel records may be disclosed, as appropriate, to superannuation authorities, the Australian Taxation Office and a receiving agency following a transfer.

Service employees can obtain information regarding access to their personnel records by contacting their Human Resources officer or representative.

1. Financial Management Records

These records are used to account for expenditure and revenue.

The personal information in these records relates to creditors and debtors including external providers if they are identified personally.

Access to this personal information is restricted to financial management staff across the Service as well as to external auditors.

This information is not normally disclosed to other persons or organisations.

1. Electronic Records

The Service's information management systems routinely contain much of the core business and the supporting corporate services of the Service on behalf of its many functional areas. This encompasses a wide variety of electronic transactions. Records within this networked environment will generally cover information referred to in other parts of this plan that deal with the core business operations of functional areas of the Service. The use of these systems is routinely monitored by internal and external control systems.

Staff are routinely made aware of system usage rules and monitoring procedures concerning the collection and use of the information.

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1. General Duty Policing Records

These records contain various personal identifiers collected by a police officer and operational support staff in compliance with a policing related purpose for which the record has been made. These records are used in the enforcement of criminal law, the preservation of peace and the protection of life, safety and property within Queensland.

The information that is contained in general policing records may be disclosed to government organisations, external agencies and to other law enforcement agencies.

1. Records for Court Purposes

Records for court purposes are used to record arrest, search, seizure and extradition and to present evidence for prosecution. This material may be produced by order of a court or tribunal in non-criminal matters. Included in these records are administrative law documents, briefs of evidence, affidavits, warrants and family law documents and files.

Personal identifiers will be contained in these records.

Subject to individual authorisation and operational needs, a Service employee may access court records. Information may be disclosed to the Director of Public Prosecutions, members of the judiciary, members of tribunals and to legal practitioners and defendants.

1. Investigation and Enquiry Records

These records assist in the effective and efficient performance of the functions of the QPS under the *Police Service Administration Act 1990* and associated information collected from, or provided to, various agencies.

Subject to the individual authorisations and operational needs, a Queensland Police Service employee may access these documents. Certain information may be disclosed for law enforcement purposes to other state agencies or to Australian and/or foreign law enforcement organisations. As indicated previously, this material may be used in criminal or civil proceedings.

1. Traffic Records

Traffic incident records are used in the investigation of vehicle incidents in Queensland.

Traffic incident records kept by the Queensland Police Service are linked to Queensland Transport and may be used to assist the judiciary in determining penalties for traffic infringements.

Subject to individual authorisation and operational needs, a Queensland Police Service employee may access these documents. The information that is contained in traffic incident records may be disclosed to courts, relevant government bodies and individuals.

The information on traffic incident records may be disclosed to insurance companies and involved individuals.

Queensland traffic histories, licensing details and registration information are held on Queensland Transport information systems, and while the Queensland Police Service

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for policing purposes may access these records, Queensland Transport remains the custodian of this information.

Access to, and Amendment of, Personal Information

1. Access to and amendment of personal information is dealt with in Chapter Three of the *Information Privacy Act 2009* and the *Right to Information Act 2009*. Both Acts provide for other administrative systems to be used for particular types of information (see paragraph 22).

Procedure to Gain Access to Personal Information

1. Members of the community wishing to obtain access to documents of the Service containing personal information **should firstly consider the systems or schemes available outside the *Information Privacy Act 2009* and the *Right to Information Act 2009***. The contact points and available personal information are as follows:

1. Manager
Police Information Centre
GPO Box 1440
Brisbane Qld 4001

Telephone for application forms - 3364 4966 or 3364 4202

Information Available	Price
Criminal Histories	\$36.50
Police Certificate based on national search of name only	\$37.30
Police Certificate based on national search of name and fingerprints	\$131.80
Copy of record of charges	\$36.50
Court Briefs	\$16.50

2. CITEC
GPO Box 279
Brisbane Qld 4001

Telephone - 3227 7831, or
Freecall - 1800 773 773 (if calling within Australia)

Crime Reports
Traffic Incident Reports

3. Officer in Charge
Photographic Section
GPO Box 1440
Brisbane Qld 4001

Telephone - 3364 6368

Photographs

4. Queensland Transport
Visit your nearest Queensland Transport Customer Service Centre.

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Complete the application forms and lodge them with all supporting documentation and your personal identification.

Access under the Information Privacy Act 2009 and the Right to Information Act 2009

1. The Police Service has a centralised unit for processing applications for access under the *Information Privacy Act 2009* and the *Right to Information Act 2009*. The Right to Information and Privacy Unit has primary responsibility for determining Information Privacy and Right to Information applications for the Service.

Applications for access to a document may be made to:

Officer in Charge
Right to Information and Privacy Unit
Queensland Police Service
200 Roma Street
BRISBANE QLD 4000

Applications must be on the approved form and must provide such information concerning the document as is reasonable necessary to enable identification of the document sought.

Applications should include:

- o Full name and address;
- o The applicants date of birth should be included for the purpose of identification, as well as proof of identity if the document concerns the applicant's personal affairs; and
- o Description of the document requested and its possible location; type of access required (copy or visual inspection).

Applications may also be lodged at any Queensland Police Service establishment. Applications will then be forwarded on to the Officer in Charge, Right to Information and Privacy Unit to be processed.

Complaint and Review Process

1. While noting the exemptions for policing matters relating to Privacy Principles 2, 3, 9, 10 & 11, if an individual believes that the Queensland Police Service has not dealt with their personal information in accordance with the Information Privacy Principles, they are entitled under the Information Privacy Act 2009 to make a complaint to the Queensland Police Service;
2. A privacy complaint must:
 - Be in writing;
 - Provide a contact address to which notices can be forwarded; and
 - Give particulars of the act or practice complained of.
3. Complaints are dealt with as a disciplinary process in terms of sections 18.1 and 18.2 of the Human Resource Management Manual. Complaints can be made to any member of the Service, however the Ethical Standards Command (ESC) will overview them individually.

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4. If the individual has not received a decision on the complaint within 45 days, or is not satisfied with the decision, he or she may complain to the Information Commissioner. The Information Commissioner will try to resolve the complaint through mediation;
5. If the complaint cannot be resolved through mediation, the complainant may direct the Information Commissioner to refer his or her complaint to the Queensland Civil and Administration Tribunal (QCAT);
6. Where the complaint is substantiated, QCAT may make orders including that an apology be made or compensation be awarded.

Privacy Contact Officer

1. Enquiries concerning any privacy related matters should be directed to:

The Privacy Contact Officer
Right to Information and Privacy Unit
Queensland Police Service
Police Headquarters
200 Roma Street
BRISBANE QLD 4000
Ph: 3364 4666
Fax: 3364 4675

Code of Practice

1. In the event of the implementation of a Queensland Police Service Code of Practice, this Privacy Plan should be read in conjunction with that Code.

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