



Information Privacy Plan

The State of Queensland (Queensland Police Service) 2012

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Introduction

Privacy is an important issue for both the public and private sector. The increasing growth in business and computer technology makes information sharing about individuals easier and more comprehensive than ever before. The ease with which personal information can be accessed and brought together can affect the privacy of individuals.

Information Privacy is about protecting the personal information of individuals. The *Information Privacy Act 2009* (IP Act) sets out the ways in which Queensland Government agencies must handle personal information and also provides individuals with access and amendments rights to their own personal information.

Eleven Information Privacy Principles (IPPs), contained within the IP Act, govern the way Queensland government agencies collect, store, access and use personal information. The eleven IPPs contained in Schedule 3 of the IP Act are reproduced in the Attachment of this plan.

This Privacy Plan details the approach the Queensland Police Service will take to manage personal information in accordance with the IP Act, Service policies and procedures. This Plan is to be read in conjunction with the IP Act and the *Information Privacy Regulation 2009*.

1. Personal Information

What is personal information?

Personal information is defined in the IP Act 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.

Examples of personal information include a person's name and address, date of birth, physical characteristics including height, birthmarks and tattoos.

Personal information may be stored on a variety of media such as paper, electronic databases, photographic and video image, audiotape, digital form, and may also extend to body samples and biometric data.

Personal information for which the Information Privacy Act does not apply.

Personal information, within the meaning of the IP Act, does not apply to information in publications that are generally available to the public. Generally available publications include magazines, books, a newsletter or newspaper article, annual reports and the Queensland Government Gazette.

Information about a deceased person is not considered personal information for the purpose of the IP Act.

2. Exempt personal information.

The following personal information is exempt from the provisions of the IP Act:

Covert activity

Personal information about an individual arising out of a 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*;

Public Interest Disclosure

Personal information about an individual that is contained in a public interest disclosure within the meaning of the *Public Interest Disclosure Act 2010* or that has been collected in an investigation arising out of a public interest disclosure under the *Public Interest Disclosure Act 2010*;

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;

Commissions of Inquiry

Personal information about an individual arising out of a commission of inquiry;

Generally available publications

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;

Postal material

A letter, or anything else, while it is being transmitted by post.

3. Privacy and law enforcement agencies

The term *law enforcement agency* is defined in the IP Act and includes the Queensland Police Service (QPS). The Act recognises that QPS collection, use and disclosure of personal information for investigation and enforcement purposes may not be compatible with the privacy principles in all circumstances. For example, it would defeat the purpose of covert surveillance if the QPS were to inform an individual that their personal information is being collected¹.

The privacy principles with which, under section 29, the QPS does not have to comply are:

IPP 2: provide a collection notice

IPP 3: only collect relevant, complete and up to date personal information, and do not intrude unreasonably on an individual's personal affairs

IPP 9: only use relevant personal information

IPP 10: only use personal information for the purpose for which it was collected, unless an exception applies

IPP 11: do not disclose personal information to anyone but the individual it is about, unless an exception applies.

However, before these conditional exemptions apply, the QPS must be satisfied on reasonable grounds that non-compliance with one or more of the privacy principles listed above is necessary in order to achieve or carry out the enforcement function in question.

The conditional exemption from the above IPPs does not extend to the Service's administrative functions including human resource activities, finance, processing applications etc.

The QPS collects and uses personal information to assist in performing its statutory functions and responsibilities. The QPS may also disclose some or all of this information to other State and Federal Government agencies as provided for by legislation or in accordance with the *Information Privacy Act 2009*.

¹ Privacy and law enforcement agencies, Information Sheet, Office of the Information Commissioner, 6 January 2010.

4. Classes of records containing personal information.

The Queensland Police Service holds personal information across various classes of records. 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 QPS Records Retention and Disposal Schedule, approved 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.

Records are held in the various functional or geographical areas of the QPS and are stored in various mediums.

1. Community Policing Records

These records document the development and implementation of strategies and initiatives which are primarily aimed at increasing community involvement in assisting police to reduce and prevent crime.

The information contained in these records may include personal identifiers collected as a part of police liaison with the community through police beat shopfronts, policing in schools, etc.

2. Community Relations Records

These records document the Queensland Police Service's engagement with the community, including public reaction to policies and services, letters of concern / dissatisfaction or congratulations / appreciation and requests for the use of police resources.

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

3. Crime Prevention and Detection Records

These records document the function of prevention, detection and investigation of offences on minor and major / organised levels, and 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. This material may be used in criminal or civil proceedings.

4. Custody Records

These records document the placing and keeping persons in custody, including release, escapes or attempted escapes from custody.

These records may contain personal identifiers collected by a police officer and operational support staff in compliance with the policing related purpose for which the record has been made.

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

5. Education, Training and Development Records

These records document the development and delivery of training and other activities, programs and events, designed to encourage Service staff to develop their skills and abilities and increase their productivity.

The records may contain personal identifiers of Service staff who have undertaken training and development activities.

6. Emergency Response Records

These records document the Queensland Police Service's response to, and coordination and control of emergencies, disasters (including natural disasters), high risk incidents and major events within the state of Queensland.

These records may contain personal identifiers of Service staff and members of the public.

7. Equal Employment Opportunity Records

These records document the function of establishing programs which will result in fair outcomes for all staff in relation to staff recruitment and development, including the management of grievances.

These records may contain personal identifiers of Queensland Police Service staff.

8. Equipment Records

These records document the function of acquiring, maintaining, repairing and disposing of Service equipment.

Registers detailing the allocation of personal protective equipment to police officers will contain personal identifiers.

9. 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.

10. Fleet Management Records

These records document the function of acquiring, managing, maintaining, repairing and disposing of Service vehicles, including water craft and aircraft..

Vehicle logs will contain personal identifiers of Service staff.

11. Forensic Examination Records

These records support the function of scientific/medical examination of physical evidence to assist in legal and/or criminal investigations, including the analyses of fingerprints, photographs, ballistics, document examinations, scenes of crime, etc.

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.

12. Government Relations Records

These records document the function of administering the relationship between the Queensland Police Service and those processes of government not covered by other record types. These records include the Service's relationship with Ministers and Members of Parliament and the political processes of Government; liaison with other government agencies on legislation and regulations enforcement; liaison with bodies carrying out investigations and participating in formal inquires and investigations such as Royal Commissions, and inquiries by Parliamentary Committees, the CMC and the Ombudsman; relationships with other State, Commonwealth or overseas government and relationships with the Court system.

These records may contain personal identifiers.

13. Health and Safety Records

These records document the implementation and co-ordination of occupational health and safety and associated legislation throughout the organisation, including the monitoring of safe work practices, procedures and preventative measures. These records also support the promotion of healthy work practices, employee health and fitness, rehabilitation and injury management, and the establishment of Health & Safety Committees to investigate and advise on health and safety issues in the workplace.

Records such as WorkCover claims will contain personal identifiers of Service staff.

14. Industrial Relations Records

These records document the function of establishing formal relations with Service employees and their representatives to achieve a harmonious workplace, including negotiations conducted to obtain determinations, agreements or awards, industrial disputes settled within the organisation or by an external arbitrator and reports of the state of industrial relations within the organisation.

These records may contain personal identifiers of Service staff.

15. Information Access Records

These records document the function of coordinating and making the Service's information available to approved individuals and groups. This includes applications for access to confidential information gathered on offenders and criminals, and amendments to information.

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

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.

16. Information Technology and Telecommunications Records

These records document the development or acquisition, implementation and management of all types of technology and associated resources to capture, store, retrieve, process, transfer, communicate or disseminate information through the use of electronic information systems. This also includes the determination of requirements, preparation, issue and evaluation of a tender, completion of a tender contract and implementation of systems.

Audit trail records will contain personal identifiers of Service staff.

17. Litigation Records

These records document the function of administering conflict between two or more parties (in which the Queensland Police Service or the State of Qld is one of the parties), and which covers both civil and criminal jurisdictions.

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.

18. 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 the 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 (see HRMM 25.3).

19. Premises Records

These records document the function of managing working, storage, or living space within premises, and of acquiring, constructing, fitting-out, managing, maintaining, protecting and disposing of premises. Premises includes buildings and land allotments either owned, rented, leased or occupied by the organisation and its employees, such as office blocks, living quarters, police stations and police establishments.

These records may contain personal identifiers of Service staff.

20. Professional Responsibility Records

These records document the function of providing accountable, corruption-free policing services to the Queensland community, including the promotion and maintenance of high standards of integrity, conduct, discipline, professionalism and performance within QPS.

These records will contain personal identifiers of Service staff and members of the public.

21. Property Records

These records support the function of recording, maintaining and disposing of items which lawfully come into the possession of the police as a consequence of their duty, regardless of the means by which possession is gained. Property may be used in court cases or criminal prosecutions as evidence and/or as an exhibit, including found and

unclaimed property, seized drugs, recovered stolen property, and property taken from prisoners whilst in custody to which they are lawfully entitled to upon release.

Property records will contain personal identifiers.

22. Records Management Records

These records document the creation, capture, registration, classification, indexing, storage, retrieval and management of records to their ultimate disposal. This includes the design of recordkeeping systems, involvement in strategies to ensure the creation of records to satisfy recordkeeping requirements, setting recordkeeping policy and standards, auditing compliance with recordkeeping requirements, and the identification, creation and management of records of continuing value (archives).

Recordkeeping system metadata (data about each record kept in the system) will contain personal identifiers of Service staff, members of the public and staff of other agencies. 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.

23. Recruitment and Selection Records

These records document the function of recruiting and selecting (staff members and police recruits) which includes applying for approval to fill existing vacancies, the advertising of vacant positions in the Qld Police & Qld Government Gazettes, and the handling of applications, interviews, selection, culling and appointment.

These records will contain personal identifiers.

Access to recruitment 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 the case of misconduct), security officers, and to internal and external auditors.

24. Road Safety Records

These records document the functions associated with targeting Queensland road users in an effort to promote increased road safety, thereby decreasing the incidence of road related accidents and trauma, including the investigation of vehicle incidents.

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

25. Strategic Management Records

These records document the function of corporate governance with the Queensland Police Service, including the formulation and amendment of legislation which provides the legislative basis for the organisation.

These records may contain personal identifiers of Service staff.

5. Access to personal information.

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.

Members of the community wishing to obtain access to documents of the Service containing personal information should first 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:

Information Available	Contact
<ul style="list-style-type: none"> • Criminal Histories • Police Certificate based on national search of name only • Police Certificate based on national search of name and fingerprints • Copy of record of charges • Court Briefs (QP9s) (Fees apply) 	Manager Police Information Centre GPO Box 1440 Brisbane Qld 4001 For application forms telephone - 3364 4966 or 3364 4202
<ul style="list-style-type: none"> • QPRIME Reports • Traffic Incident Reports (Fees apply) 	CITEC GPO Box 279 Brisbane Qld 4001 Telephone – 3227 7831 or 1800 773 773 (free call within Australia)
<ul style="list-style-type: none"> • Driver's licence • Traffic offence history • Vehicle registration 	Department of Transport and Main Roads. Contact your nearest DTMR Customer Service Centre.
<ul style="list-style-type: none"> • Photographs (Fees apply) 	Inspector Photographic Section GPO Box 1440 Brisbane Qld 4001 Telephone – 3364 6368

<ul style="list-style-type: none"> • Fingerprints (Fees apply) 	<p>Client Liaison Officer Police Information Centre GPO Box 1440 Brisbane Qld 4001</p> <p>Email – pic.clo@police.qld.gov.au</p> <p>Telephone – 3364 6705</p>
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Access under the Information Privacy Act 2009 and the Right to Information Act 2009.

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:

The Superintendent,
Right to Information and Privacy Unit
Queensland Police Service
200 Roma Street
Brisbane QLD 4000

Applications must be in writing or on the approved form and must provide such information concerning the document as is reasonable necessary to enable identification of the document sought. Applications under the *Right to Information Act 2009* must be accompanied by the prescribed application fee.

Applications should include:

- Full name and address;
- The applicants date of birth should be included for the purpose of identification, as well as proof of identity (copies of proof of ID documents should be certified) if the document concerns the applicant's personal affairs; and
- 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 directly to the Officer in Charge, Right to Information and Privacy Unit to be processed.

6. Complaint and Review Process

While noting the conditional 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;

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.

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.

If the individual has not received a decision on the complaint within 45 business 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;

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);

Where the complaint is substantiated, QCAT may make orders including that an apology be made or compensation be awarded.

Privacy Contact Officer

Enquiries concerning any privacy related matters should be directed to:

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

Attachments

Information Privacy Act 2009 – Schedule 3 Information Privacy Principles

IPP 1—Collection of personal information (lawful and fair)

(1) An agency must not collect personal information for inclusion in a document or generally available publication unless—

- (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
- (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.

(2) An agency must not collect personal information in a way that is unfair or unlawful.

IPP 2—Collection of personal information (requested from individual)

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

(2) However, this section applies only if the agency asks the individual the subject of the personal information for either—

- (a) the personal information; or
- (b) information of a type that would include the personal information.

(3) The agency must take all reasonable steps to ensure that the individual is generally aware of—

- (a) the purpose of the collection; and
- (b) if the collection of the personal information is authorised or required under a law—
 - (i) the fact that the collection of the information is authorised or required under a law; and
 - (ii) the law authorising or requiring the collection; and

(c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the **first entity**)—the identity of the first entity; and

(d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the **second entity**)—the identity of the second entity.

(4) The agency must take the reasonable steps required under subsection (3)—

- (a) if practicable—before the personal information is collected; or
- (b) otherwise—as soon as practicable after the personal information is collected.

(5) However, the agency is not required to act under subsection(3) if—

(a) the personal information is collected in the context of the delivery of an emergency service; and

Example—

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

(b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and

(c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

IPP 3—Collection of personal information (relevance etc.)

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

(2) However, this section applies to personal information only if the agency asks for the personal information from any person.

(3) The agency must take all reasonable steps to ensure that—

(a) the personal information collected is—

(i) relevant to the purpose for which it is collected; and

(ii) complete and up to date; and

(b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

IPP 4—Storage and security of personal information

(1) An agency having control of a document containing personal information must ensure that—

(a) the document is protected against—

(i) loss; and

(ii) unauthorised access, use, modification or disclosure; and

(iii) any other misuse; and

(b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.

(2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

IPP 5—Providing information about documents containing personal information

- (1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—
- (a) whether the agency has control of any documents containing personal information; and
 - (b) the type of personal information contained in the documents; and
 - (c) the main purposes for which personal information included in the documents is used; and
 - (d) what an individual should do to obtain access to a document containing personal information about the individual.
- (2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

IPP 6—Access to documents containing personal information

- (1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
- (2) An agency is not required to give an individual access to a document under subsection (1) if—
- (a) the agency is authorised or required under an access law to refuse to give the access to the individual; or
 - (b) the document is expressly excluded from the operation of an access law.

IPP 7—Amendment of documents containing personal information

- (1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—
- (a) is accurate; and
 - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
- (3) Subsection (4) applies if—
- (a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and

(b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).

(4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

IPP 8—Checking of accuracy etc. of personal information before use by agency

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

IPP 9—Use of personal information only for relevant purpose

(1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.

(2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

IPP 10—Limits on use of personal information

(1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless—

- (a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
- (b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- (c) use of the information for the other purpose is authorised or required under a law; or
- (d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency—
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

(e) the other purpose is directly related to the purpose for which the information was obtained; or

Examples for paragraph (e)—

1 An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.

2 An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.

(f) all of the following apply—

(i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;

(ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;

(iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

(2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

IPP 11—Limits on disclosure

(1) An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the *relevant entity*), other than the individual the subject of the personal information, unless—

(a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or

(b) the individual has expressly or impliedly agreed to the disclosure; or

(c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or

(d) the disclosure is authorised or required under a law; or

(e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

- (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
- (f) all of the following apply—
- (i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
 - (iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
 - (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

(2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.

(3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.

(4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that—

- (a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
- (b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
- (c) the individual has not made a request mentioned in paragraph (b); and
- (d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
- (e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.