Queensland Police Service

Privacy Complaint Policy

Queensland Government

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1. Purpose of the Privacy Complaint Policy

The Queensland Police Service (QPS) is committed to protecting personal information and managing privacy complaints in a fair, transparent, timely and consistent manner.

The purpose of the Privacy Complaint Policy (**Policy**) is to articulate QPS' approach to the management of privacy complaints made to QPS under Chapter 5 of the *Information Privacy Act 2009* (IP Act) and to establish the roles, responsibilities and principles that support the fair, consistent and effective handling of privacy complaints.

This Policy is to be read in conjunction with the QPS QPP Privacy Policy, QPS Data Breach Policy, Privacy Complaint Guideline and Privacy Complaint Form.

2. Role of the Privacy Unit

The Privacy Unit consists of Privacy Officers who are responsible for:

- receiving and assessing privacy complaints;
- determining the appropriate assessment pathway;
- managing privacy breaches;
- conducting or coordinating privacy enquiries where required;
- providing privacy complaint outcomes;
- identifying systemic privacy issues and risks;
- monitoring trends; and
- providing privacy advice and training.

3. Scope

This Policy applies to:

- all members of QPS;
- all business areas of QPS; and
- all privacy complaints received by QPS.

This Policy applies to privacy complaints alleging that QPS has not complied with its obligations under the IP Act, including breaches of:

- the Queensland Privacy Principles (QPPs);
- the mandatory notification of data breach provisions; or
- other obligations imposed on QPS under the IP Act.

4. Policy statement

QPS recognises that individuals have a right to complain about the handling of their personal information. QPS will manage privacy complaints in a manner that is:

- supported by clear and accessible complaint pathways;
- impartial;

- timely;
- proportionate to the issues raised;
- consistent with legislative requirements; and
- focused on continuous improvement.

Privacy complaints provide an important mechanism for identifying privacy risks, improving information handling practices and strengthening privacy governance across QPS.

5. Guiding principles

Privacy complaints will be managed by Privacy Officers in accordance with the following principles.

5.1 Accessibility

Individuals will be provided with clear information regarding how to make a privacy complaint and the available complaint pathways.

5.2 Fairness

Privacy complaints will be assessed objectively and on their individual merits.

5.3 Timeliness

Privacy complaints will be managed as promptly as practicable having regard to the complexity of the issues raised.

5.4 Transparency

Complainants will be provided with a response to their complaint and will be informed of the progress of their complaint where appropriate.

5.5 Continuous improvement

Lessons and risks identified through privacy complaints will be used to improve privacy practices, systems and processes.

6. Relationship with other processes

6.1 Privacy complaints

A privacy complaint is a complaint by an individual about an act done or practice engaged in by the relevant entity in relation to the individual's personal information that may be a breach of the relevant entity's obligations to comply with:

(a) a privacy principle requirement; or

(b) the applicable eligible data breach provisions in the IP Act.

6.2 Data breaches

A privacy complaint is separate from a data breach or eligible data breach. Where a privacy complaint identifies a suspected data breach which involves personal information, the matter must also be assessed in accordance with the QPS Data Breach Policy.

The management of a privacy complaint by a Privacy Officer does not remove any obligation to assess and manage an associated data breach which involves personal information.

6.3 Other complaint processes

A matter may simultaneously involve:

- a privacy complaint;
- a customer service complaint;
- a complaint against police;
- a misconduct matter;
- a human rights complaint;
- workplace grievance processes; or
- another statutory review process.

The QPS Ethical Standards Command (ESC) is responsible for the investigation and management of complaints concerning the conduct of QPS members in accordance with the provisions of the *Police Service Administration Act 1990*, *Public Sector Ethics Act 1994* (Code of Conduct), and applicable QPS policies and procedures.

Where a privacy complaint raises a potential misconduct or other conduct related issue, the Privacy Unit will undertake a case by case assessment and may recommend that the complainant refer the matter to ESC for assessment.

The existence of another complaint process does not remove the requirement for any privacy issues to be assessed and managed in accordance with this Policy. Similarly, the assessment of privacy issues under this Policy does not limit or replace any separate assessment, investigation or action that may be undertaken in relation to conduct, disciplinary or other matters.

7. Acknowledgement of privacy complaints

Privacy complaints should be made in accordance with Chapter 5 of the IP Act and may be made:

- through the Privacy Complaint Form;
- by email to the QPS Privacy Unit: privacy@police.qld.gov.au;
- by post; or
- through an authorised representative, subject to verification of authority where required.

The Privacy Complaint Guideline provides more detailed information about how to make a privacy complaint.

Upon receipt of a privacy complaint, the Privacy Unit will acknowledge the privacy complaint in writing and, where applicable, advise the complainant of the following:

- the privacy complaint assessment process;
- the applicable 45 business day response period and the procedure if an extension of time may be required;
- that further information may be required to assess the privacy complaint;
- whether the privacy complaint appears to fall within the scope of the privacy complaint provisions of the IP Act;
- that information provided by the complainant may be disclosed within QPS or if reasonably necessary to external entities, to the extent necessary to assess and respond to the privacy complaint;
- the relationship between the privacy complaint process and any other complaint or investigation processes that may also be relevant;
- that at the conclusion of the response period the complainant may refer the privacy complaint to the Information Commissioner if dissatisfied with the outcome.

Where a privacy complaint is received by another business area, the matter must be referred to the Privacy Unit promptly for assessment.

8. Assessment

On receipt of a privacy complaint a Privacy Officer will conduct an assessment of the privacy complaint including:

- whether the privacy complaint concerns personal information;
- whether an act or practice of the QPS is identified;
- whether possible issues under the IP Act or QPPs are raised;
- whether the matter is within QPS' jurisdiction;
- whether assessment in accordance with the QPS Data Breach Policy is required;
- whether another internal process also applies;
- whether the complainant should be advised of alternative external avenues that may be more appropriate for addressing their concerns.

The assessment methodology adopted will be proportionate to the nature, seriousness and complexity of the complaint.

9. Systemic issues and continuous improvement

Privacy complaints provide an important source of information regarding privacy risks within QPS.

Where a privacy complaint identifies:

- recurring privacy issues;
- systemic deficiencies;
- emerging privacy risks; or
- opportunities for improvement,

the Privacy Unit may make recommendations to relevant business areas regarding corrective action, risk mitigation or process improvement.

Business areas should give appropriate consideration to recommendations arising from privacy complaint assessments.

10. Monitoring

The Privacy Unit will monitor privacy complaint trends and report on significant privacy issues as required.

Reporting may include:

- complaint volumes;
- complaint categories;
- recurring privacy issues;
- identified systemic risks;
- lessons learned; and
- improvement initiatives.

11. Review

This Policy will be reviewed periodically to ensure continued compliance with legislative requirements, government policy and operational needs.