

Queensland



INFORMATION PRIVACY BILL 1999

Queensland



INFORMATION PRIVACY BILL 1999

TABLE OF PROVISIONS

Section	Page
1 Short title	4
2 Commencement	4
3 Act binds all persons	4
4 Definitions	4
5 Collecting personal information	4
6 Requirements for collecting personal information	5
7 Storage and security of personal information	6
8 Getting information about personal information held	6
9 Accessing personal information	7
10 Amending personal information	7
11 Checking accuracy of personal information before use	7
12 Limits on use and disclosure of personal information	7
13 Non-application of provisions	9

SCHEDULE	10
-----------------------	----

DICTIONARY

1999

A BILL

FOR

An Act to provide for the privacy of individuals

The Parliament of Queensland enacts—	1
Short title	2
1. This Act may be cited as the <i>Information Privacy Bill 1999</i> .	3
Commencement	4
2. This Act commences on a day to be fixed by proclamation.	5
Act binds all persons	6
3. This Act binds all persons, including the State and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.	7 8 9
Definitions	10
4. The dictionary in the schedule defines particular words used in this Act.	11 12
Collecting personal information	13
5.(1) A public agency must not collect personal information unless—	14
(a) the information is collected for a lawful purpose that is directly related to a function of the agency; and	15 16
(b) the collection of the information is necessary for that purpose.	17
(2) A public agency must not collect personal information in an unlawful way.	18 19
(3) A public agency may collect personal information only from the individual to whom the information relates unless—	20 21
(a) the individual has authorised the information to be collected from someone else; or	22 23

Information Privacy

(b)	for an individual under 16 years—the information is collected from the person’s parent or guardian.	1 2
(4)	However, subsection (3) does not apply to—	3
(a)	a law enforcement agency if it would prejudice the agency’s law enforcement functions; or	4 5
(b)	a public agency if the information is collected in connection with proceedings, whether or not commenced, before a court or tribunal.	6 7 8
Requirements for collecting personal information		9
6.(1)	This section applies if a public agency collects personal information.	10
(2)	The agency must take all reasonable steps, having regard to the purpose for which the information is collected, to ensure—	11 12
(a)	the information is relevant to that purpose, not excessive, and accurate; and	13 14
(b)	the collection of the information does not intrude, to an unreasonable extent, on the individual’s personal affairs.	15 16
(3)	The agency must take all reasonable steps to ensure that before, or as soon as possible after, the information is collected, the individual is made aware of the following—	17 18 19
(a)	the fact that the information is being collected;	20
(b)	the name and address of—	21
(i)	the agency that is collecting the information; and	22
(ii)	the agency that is to hold the information;	23
(c)	the purpose for which the information is being collected;	24
(d)	the intended recipient of the information;	25
(e)	whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not supplied;	26 27 28
(f)	the existence of any right of access to, or correction of, the information.	29 30

(4) However, subsection (3) does not apply if the information is collected for law enforcement purposes.

Storage and security of personal information

7. A public agency that holds personal information must ensure—

- (a) the information is kept for no longer than is necessary for the purpose for which it may lawfully be used; and
- (b) the information is disposed of securely and in accordance with any requirements, prescribed under a regulation, for its disposal; and
- (c) the information is protected, by taking the security safeguards that are reasonable in the circumstances, against—
 - (i) loss; or
 - (ii) unauthorised access, use, alteration or disclosure; or
 - (iii) any other misuse;
- (d) if it is necessary to give the information to a person in connection with the provision of a service to the agency, everything reasonably within the agency's power is done to prevent unauthorised use or disclosure of the information by the person.

Getting information about personal information held

8. A public agency that holds personal information must take all reasonable steps to allow an individual to find out—

- (a) whether the agency holds personal information about the individual; and
- (b) if the agency does hold personal information about the individual—
 - (i) the type of information; and
 - (ii) the main purposes for which the information is used; and
 - (iii) the person's entitlement to access the information.

Accessing personal information

1

9. A public agency that holds personal information about an individual must, at the individual's request and without excessive delay or expense, allow the individual to access the information.

2

3

4

Amending personal information

5

10.(1) This section applies if an individual requests a public agency that holds personal information about the individual to amend the information.

6

7

(2) The agency must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that, having regard to the purpose for which the information is to be used and to any purpose that is directly related to that purpose, the information is relevant and accurate.

8

9

10

11

(3) If the agency is not prepared to amend the information, the agency must, if requested by the individual to do so, include the amendment sought with the information.

12

13

14

(4) If the agency amends the information, the individual is entitled, if it is reasonably practicable, to have recipients of the information notified of the amendments.

15

16

17

Checking accuracy of personal information before use

18

11. A public agency that holds personal information must not use the information without taking all reasonable steps to ensure that, having regard to the purpose for which the information is to be used, the information is relevant and accurate.

19

20

21

22

Limits on use and disclosure of personal information

23

12.(1) This section applies to a public agency that holds personal information about an individual.

24

25

(2) The agency must not use the information for a purpose other than for which it was collected unless—

26

27

- (a) the individual has consented to the use of the information for the other purpose; or

28

29

Information Privacy

- (b) the other purpose is directly related to the purpose for which the information was collected; or 1
2
- (c) the use is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual or someone else; or 3
4
- (d) the use is reasonably necessary for— 5
 - (i) law enforcement purposes; or 6
 - (ii) the protection of public revenue. 7
- (3) The agency must not disclose the information to anyone other than the individual unless— 8
9
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency has no reason to believe the individual would object to the disclosure; or 10
11
12
 - (b) the individual is reasonably likely to have been aware, or has been made aware as required by section 6, that information of that kind is usually disclosed to that other person; or 13
14
15
 - (c) the agency reasonably believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual or someone else; or 16
17
18
 - (d) the disclosure is made in connection with proceedings for the prosecution of an offence; or 19
20
 - (e) the disclosure is to a law enforcement agency to find out the whereabouts of someone who has been reported to a police officer as a missing person; or 21
22
23
 - (f) the disclosure is reasonably necessary for— 24
 - (i) law enforcement purposes; or 25
 - (ii) the protection of public revenue. 26
- (4) If personal information is disclosed under subsection (3) to another public agency, the other agency must not use or disclose the information other than for the purpose for which the information was given to it. 27
28
29

Non-application of provisions 30

13. Sections 5, 8, 9, 10 and 12 do not apply to a public agency if— 31

Information Privacy

- (a) the agency is lawfully authorised or required not to comply with the section; or
- (b) noncompliance is otherwise permitted, is necessarily implied or reasonably contemplated under another Act or law.

1
2
3
4
5

SCHEDULE	1
DICTIONARY	2
section 4	3
“accurate” includes up to date, complete and not misleading.	4
“law enforcement” means the enforcement of a provision of an Act for which a penalty is specified.	5 6
“law enforcement agency” means—	7
(a) the police service; or	8
(b) the criminal justice commission; or	9
(c) the crime commission.	10
“personal information” —	11
(a) means information or an opinion, whether or not true, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion; but	12 13 14
(b) does not include information about an individual in a document that is, or will be, generally available to the public.	15 16
“public agency” means—	17
(a) a government entity under the <i>Public Service Act 1996</i> ; or	18
(b) a local government; or	19
(c) a government owned corporation.	20
“reasonable steps” means the steps that are reasonable in the circumstances.	21 22 23