

# Privacy complaint procedure

## Purpose

This procedure describes the processes for lodging a privacy complaint with the Department of State Development, Tourism and Innovation (the department). It should be read in conjunction with the [Complaints management policy](#) and the [Information Privacy Act 2009](#) (the Act).

## Scope

This policy applies to:

- all employees of the department and non-employees including contractors, consultants, volunteers and any other person or entity who provides the department with services on a paid or voluntary basis.

## Definitions

See **Appendix A** for definitions of key terms referred to in this guideline

## Responsibilities and accountabilities

See the [Complaints management policy](#) for responsibilities and accountabilities related to this procedure.

## Human rights compatibility

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When making a decision about a privacy complaint, decision-makers must comply with that obligation.

For further information on the Human Rights Act 2019 see <https://www.qhrc.qld.gov.au/>.

## Procedure

The department is committed to the protection of personal information of individuals that it collects and holds, and to comply with the obligations under the Act as set out in the Information Privacy Principles (IPP). Individuals have the right to have their personal information protected and managed under [Chapter 2, Parts 3 and 4 and Schedule 3 of the Act](#).

IPP	Topic	Further information
1-3	Collection	<a href="#">Office of the Information Commissioner (OIC)'s guide (1-3)</a>
4	Storage and security	<a href="#">OIC guide (4)</a>
5-7	Access and amendment	<a href="#">OIC guide (5-7)</a>
8-11	Use and disclosure	<a href="#">OIC guide (8-11)</a>

## Making a privacy complaint

If you believe the department has dealt with your information in a way that is not consistent with the privacy principles, you may make a privacy complaint. Complaints can only be made by an individual or their authorised agent about their own personal information.

A privacy complaint can be made:

- in writing to Governance, Performance and Risk, PO Box 15009, CITY EAST QLD 4001
- by email to [complaints@dsmip.qld.gov.au](mailto:complaints@dsmip.qld.gov.au), or
- online using the [whole-of-government complaint form](#).

## Timeframes for privacy complaints

The department will acknowledge all privacy complaints within two business days of receipt and will respond within 45 business days, as required under the Act.

## Assessment and action

Upon receiving a complaint, the department will ensure that the complaint is properly understood and will seek clarification or further information if necessary.

If the complaint raises multiple issues, they will be dealt with concurrently to the privacy complaint through the appropriate complaint process (such as customer complaints).

## Refusal to deal with a privacy complaint

The department may refuse to deal with a privacy complaint when:

- the complaint does not concern the personal information of the complainant
- the complaint concerns the personal information of a child and the complainant is not the parent or guardian of the child
- the complaint concerns the personal information of an individual and the complainant is not an agent of the individual authorised to act on their behalf
- 12 months have passed since the act or practice that is the subject of the complaint.

## Vexatious complaints

A privacy complaint is considered vexatious if it is made maliciously or in bad faith. The department can decide to limit or cease communication with a vexatious complainant and will advise them accordingly in writing.

## Appeal rights

A privacy complaint must be made to the department first before it is submitted to the Office of the Information Commissioner (OIC). The Act allows a minimum period of 45 business days from the date a privacy complaint was received for the department to provide a response.

After the 45 business days have lapsed, a complaint may be lodged by an individual with the OIC if:

- they are unhappy with the department's response, or
- they have not received a response to their complaint.

A complaint can be made to the OIC:

- in writing to Privacy Team, Office of the Information Commissioner, PO Box 10143, Adelaide Street, BRISBANE QLD 4001
- by email to [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au), or
- using the [online privacy complaint form](#).

## Reference documents

- [Information Privacy Act 2009](#)
- [Office of the Information Commissioner Queensland resources](#)<insert text and hyperlink>

## Related documents

- [Complaints management policy](#)

## Document control

<b>Document owner</b>	A/Director, Governance, Performance and Risk Corporate			
<b>Contact details</b>	complaints@dsdmip.qld.gov.au			
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1.0	26/07/2020	New guideline	Senior Ethics Advisor, Governance, Performance and Risk	Deputy Director- General, Corporate

# Appendices

## Appendix A – Definitions

The key terms referred to in this policy are as follows:

Term	Definition
<b>Information privacy principles</b>	As defined under Schedule 3 of the Act.
<b>Personal information</b>	As defined under section 12 of the Act.
<b>Privacy complaint</b>	As defined under section 164 of the Act.