



Queensland Government

Department of **Tourism, Fair Trading and
Wine Industry Development**

**DEPARTMENT OF TOURISM,
FAIR TRADING AND WINE INDUSTRY
DEVELOPMENT**

PRIVACY PLAN

OCTOBER 2004

Department of Tourism, Fair Trading and Wine Industry Development (DTFTWID) Privacy Plan

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PRIVACY PLAN

DEPARTMENT OF TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT

1. Introduction

This Privacy Plan is a plan for the Department's compliance with the information privacy principles under the requirements of the Information Standard 42 (IS 42) and its relevant Information Standard Guidelines. The Information Standard and its relevant Guidelines required each "Queensland Government Agency" to prepare a Privacy Plan approved by the CEO of each agency before April 2002.

This plan is drafted in a way which takes account of the diverse range of functions of the Department. It aims to give:

- guidance to members of the public to assist them to understand how personal information is managed in the Department and how they can exercise their privacy rights in respect of the Department's activities;
- guide officers in the Department who deal with personal information on the requirements of the Information Standard and its guidelines;
- a timetable and strategic overview for achieving full compliance with those requirements; and
- procedures which can be adopted by the Department to eliminate or reduce the risk of non compliance.

2. What is Personal Information?

The purpose of IS 42 and its Guidelines is to establish a framework for the responsible collection and handling of personal information in the Queensland Government public sector. There is a summary of the eleven Information Privacy Principles (IPPs) in point 12. Personal Information is defined in the Information Standard as being:-

Personal Information for the purposes of all Information Privacy Principles other than Information Privacy principles 6 and 7 means 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.

Personal Information for the purpose of Information Privacy Principles 6 and 7 is limited to information concerning an individual's "personal affairs" as the phrase "personal affairs" has been interpreted in the *Freedom of Information Act 1992*.

The information does not have to clearly identify a person. It need only provide sufficient information to lead to the identification of a person. It is not limited to confidential or sensitive personal details. It covers information held in paper or electronic records (and may even extend to body samples or biometric data).

Exempt Personal Information¹

The following personal information is exempt from IS 42:

Covert activity

- Personal information about an individual arising out of or in connection with a controlled operation or controlled activity within the meaning of the *Police Powers and Responsibilities Act 2000*;
- Personal information about an individual arising out of or in connection with a covert undertaking of an operation, investigation or function of a law enforcement agency; and
- Personal information about an individual arising out of a warrant issued under the *Telecommunications (Interception) Act 1979* of the Commonwealth.

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.

¹ The provisions pertaining to exempt personal information do not relieve anyone from existing requirements to obtain that personal information through either a legislative authority or under subpoena or warrant.

Disciplinary actions and misconduct

- Personal information about an individual arising out of a complaint made under Part 7 of the *Police Service Administration 1990*; and
- Personal information about an individual arising out of an investigation of misconduct or official misconduct under the *Criminal Justice Act 1989*.

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 the course of an investigation arising out of a public interest disclosure.

Cabinet and Executive Council documents

Personal information about an individual that is contained in a document of a kind referred to in sections 36 and 37 of the *Freedom of Information Act 1992* (ie Cabinet and Executive Council documents).

Commissions of Inquiry

Personal information about an individual arising out of a Royal Commission or commission or inquiry.

Department of Tourism, Fair Trading and Wine Industry Development.

The Department of Tourism, Fair Trading and Wine Industry Development (DTFTWID) was established to deliver the Queensland Government's tourism, fair trading and liquor programs throughout the State. The department also recently took responsibility for development of the wine industry in Queensland.

The Department works with other Government agencies, peak industry bodies, industry clients, consumer groups and individual consumers to promote growth and social responsibility in Queensland's tourism and liquor industries and to foster a dynamic, competitive and informed Queensland market environment.

The Department is responsible for the collection and use of personal information in relation to the functions carried out by the Executive and Corporate Services Division; Liquor Licensing Division; Office of Fair Trading; and Wine Industry Development Division.

Executive and Corporate Services

- Human Resource Management
- Policy
- Ministerial Documentation
- Financial Management Information System
- Information Systems Personal Information
- Administrative Law
- Office of the Director-General
- Internal Audit

Liquor Licensing

- Promoting socially responsible and safe liquor industry practices
- Implementing initiatives to target harm minimisation and crime prevention resulting from the consumption of liquor
- Providing educational material and advice to the liquor industry
- Conducting probity investigations of individuals and entities
- Issuing liquor, wine and adult entertainment licences and permits
- Investigating and resolving complaints about licensed premises
- Collecting liquor fees and fines

Office of Fair Trading

- Promoting fair trading by providing advice regarding a range of fair trading and consumer affairs issues and developing appropriate policy and legislative initiatives.
- Providing licensing and registration services for business and non-profit organisations including associations, charities and cooperatives.
- Remedying unfair marketing practices regarding legislation affecting both consumers and traders including legislation regulating fair trading and trade measurement practices

Office of the Commissioner for Body Corporate and Community Management

The role of the Commissioner's Office is to assist people who live, work or invest in community titles schemes in accordance with the powers conferred on it by the *Body Corporate and Community Management Act 1997* (the BCCM Act).

The main objectives of the Commissioner's Office are to provide persons involved with community titles schemes with:

- an efficient and relevant information and education service;
- a quality dispute resolution service which is timely and responsive; and
- prompt and accurate searches of adjudicators orders.

Commercial and Consumer Tribunal

The Commercial and Consumer Tribunal is an independent decision-making body for resolving consumer and industry-related disputes and reviewing administrative decisions fairly, quickly, economically and informally.

It deals with:

- building and related disputes, and reviews decisions of and applications brought by the Queensland Building Services Authority;
- property agents and motor dealer disciplinary matters, claims against the fund and reviews decisions of the chief executive;
- retirement village disputes;
- appeals against decisions of the chief executive relating to liquor licensing and other appeals made under the *Liquor Act 1992*;
- residential services accreditation;
- gaming machine authority allocation disputes; and
- reviews of decisions and disciplinary actions in relation to the *Architects Act 2002* and *Professional Engineers Act 2002*.

Wine Industry Development Division

The Wine Industry Development Division was recently established within the department to Promote the Queensland wine industry and Queensland wines.

It seeks to achieve this objective by :

- Reviewing the effectiveness of the current regulatory framework for Queensland wine producers;
- In consultation with industry stakeholders across the State, developing and implementing a strategy designed to ensure accelerated and sustainable growth of the industry; and
- Promoting the Queensland wine industry and Queensland wines through participation in state and national forums and initiatives.

3. Acts Administered by DTFTWID

Personal information may be sought and held by the Department under the following legislation administered by the department of Tourism, Fair Trading and Wine Industry Development. While IS 42 creates a general restriction on the

release of personal information, certain personal information such as names and addresses may, in certain cases be accessible in public registers.

Legislation administered by the department of Tourism, Fair Trading and Wine Industry Development :

Associations Incorporation Act 1981
Bills of Sale and Other Instruments Act 1955
Body Corporate and Community Management Act 1997
Business Names Act 1962
Charitable Funds Act 1958
Classification of Computer Games and images Act 1995
Classification of Films Act 1991
Classification of Publications Act 1991
Collections Act 1966
Commercial and Consumer Tribunal Act 2003
Consumer Credit (Queensland) Act 1994 (including Consumer Credit Code)
Cooperatives Act 1997
Credit Act 1987
Fair Trading Act 1989
Funeral Benefit Business Act 1982
Guides Queensland Act 1970
Invasion of Privacy Act 1971
Land Sales Act 1984
Liens on Crops of Sugar Cane Act 1931
Liquor Act 1992
Manufactured Homes (Residential Parks) Act 2003
Mobile Homes Act 1989
Motor Vehicles Securities Act 1986
Property Agents and Motor Dealers Act 2001
Residential Services (Accommodation) Act 2002
Residential Services (Accreditation) Act 2002
Retirement Villages Act 1999
Returned and Services League of Australia (Queensland Branch) Act 1956
Second-hand Dealers and Pawnbrokers Act 2003
Security Providers Act 1993
Tourism Queensland Act 1979
Tourism Services Act 2003
Trade Measurement Administration Act 1990
Travel Agents Act 1988
Traveller Accommodation Providers (Liability) Act 2001
Liquor Act 1992
Wine Industry Act 1994

4. List of Legislation that contain sections that may override IPP 11 Disclosure

Consumer Credit (Queensland) Act 1994 – Section 61

Cooperatives Act 1997 – Section 456

Fair Trading Act 1989 – Section 110

Liquor Act 1992 – Section 48

Profiteering Prevention Act 1948 – Section 15(3)

Security Providers Act 1993 – Section 48

Trade Measurement Administration Act 1990 – Section 22

Travel Agents Act 1988 – Section 46

Residential Services (Accreditation) Act 2002 – Section 180

5. Types of Personal Information Held by the Department of Tourism, Fair Trading and Wine Industry Development.

The Department of Tourism, Fair Trading and Wine Industry Development collects, stores and uses:

HUMAN RESOURCE MANAGEMENT - EMPLOYEE PERSONNEL RECORDS

These records are required so that human resource management functions can be carried out. The purpose of these records is to maintain employment history and payroll and administrative information relating to all permanent, contract and temporary staff members and employees of an agency.

Personnel and payroll

1. records relating to attendance, overtime and higher duties;
2. leave applications and approvals;
3. payroll and pay related records, including banking details and deduction records;
4. tax file number declaration forms;
5. personal history files;
6. performance appraisals, etc;
7. records relating to personal development and training;
8. trade, skill and aptitude test records;
9. completed questionnaires and personnel survey forms;
10. records relating to removals;
11. contracts and conditions of employment.

Recruitment

The records may include any one or more of the following:

1. recruitment records;
2. records relating to relocation of staff and removals of personal effects;
3. records relating to character checks and security clearances; and
4. resume and selection reports.

Other

The records may include any one or more of the following:

1. records of accidents and injuries;
2. compensation case files;
3. rehabilitation case files;
4. records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other staff and establishment records as appropriate;
5. complaints and grievances; and
6. recommendations for honours and awards.

Contents of personnel records may include: name, address, date of birth, occupation, employee identification number, gender, qualifications, equal employment opportunity group designation, next of kin, details of pay and allowances, leave details, work reports, security clearance details and employment history. It may also include physical and mental health, disabilities, racial or ethnic origin, disciplinary investigation and action, criminal convictions, adverse performance and security assessments, tax file numbers, relationship details and personal financial information.

Personal information on personnel records relates to current and former staff members and employees including contract and temporary staff. The information is stored on paper, microfiche and electronic media.

The following agency staff have access to personnel records: executive and senior personnel management staff, supervisors and members of selection committees (if appropriate), and the individual to whom the record relates.

Personnel records are kept for variable periods according to the applicable provisions of the Standard Retention and Disposal Schedule for staff and establishment records issued by Queensland State Archives.

Information held in personnel records may be disclosed outside the Department, as appropriate, to:

- Australian Taxation Office
- QSuper
- Office of Public Service Merit and Equity
- Third Party organisations such as Banks and Insurance Companies (name and account numbers only)

Individuals can obtain information regarding access to their personal information by contacting the Manager, Human Resource Management on (07) 3237 9785 or the Department's Freedom of Information Officers on (07) 3237 9975 or (07) 3247 5631).

Location: The records are located in Human Resource Management and may only be accessed by members of that branch.

POLICY

Personal information is sometimes collected when the Department consults with the public about the development of policy proposals. Written submissions from the public, about policy proposals, may contain the respondents name, address and personal opinions. A mailing list for the purposes of distributing newsletters and general correspondence about a particular policy may be established from the written submissions or from persons making general enquiries.

The staff in the policy sections of Executive and Corporate Services; Office of Fair Trading; Liquor Licensing Division and Residential Services Strategy Implementation Unit have access to this personal information.

The records are kept according to the categories set out in the standard Retention and Disposal Schedule issued by Queensland State Archives.

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

Location: Policy Coordination Unit, Executive and Corporate Services; Policy and Legislation Section, Office of Fair Trading; Policy Section, Liquor Licensing Division; Policy Section, Residential Services Strategy Implementation Unit.

MINISTERIAL CORRESPONDENCE

Inwards correspondence, that has been addressed to the Minister or her Office staff from the public or other government agencies on a wide array of matters of official business of the Minister's portfolio, may be referred to the Department for consideration and preparation of advice and responses including outward correspondence.

The Department keeps copies of the inwards and outwards documentation in electronic and paper form.

Those records include personal information, which might arise in any subject matter related to portfolio responsibilities. Examples are: names, addresses, personal opinions about public administration matters, occupational and organisational information about persons, complaints and grievances subject matter, and any other matter that the correspondent wishes to convey to the Minister about themselves or personally identifiable third parties in government or amongst the public.

The departmental staff who have access to the ministerial correspondence records are executive and senior officers, administrative staff who process the correspondence and departmental officers on a "need to know basis". The information is not usually disclosed to other persons or organisations.

The records under the control of the Department containing the personal information are retained for periods provided under the standard Retention and Disposal Schedule authorised by State Archives.

Individuals can obtain information regarding access to their personal information in the ministerial correspondence records by contacting the Minister's office, the Ministerial Correspondence Section of the Department, or the relevant business area of the Department, or the Department's Freedom of Information Officers on (07) 3237 9975 or (07) 3247 5631.

Location: The Minister's Office; Policy and Co-Ordination Unit's Ministerial correspondence section of the Department and relevant unit of the Department.

FINANCIAL MANAGEMENT INFORMATION SYSTEM

There is commonality amongst these records across various business areas of the Department, so they are grouped here as one entry.

The purpose of these records is to process and account for expenditure and revenue.

General content may include name, address and service or goods category. Sensitive content may include financial information including debts. The personal information relates to creditors and debtors, including outsourced service providers if they are identified personally.

The following staff have access to this personal information: Finance administration staff (central and relevant business area) within the Department.

The records are kept according to the categories set out in the standard Retention and Disposal Schedule issued by Queensland State Archives. Separate storage and security arrangements apply depending on which business area holds the records and the sensitivity of the information.

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

Individuals can obtain information regarding access to their personal information by contacting the Director, Finance Directorate on (07) 3224 8608 or the Department's Freedom of Information Officers on (07) 3237 9975 or (07) 3247 5631.

Location: Finance and Administration Unit and relevant areas of the Department.

INFORMATION SYSTEMS PERSONAL INFORMATION

The Department's information technology information management systems network routinely carries, enables processing of, and stores, for varying periods, much of the core business and the supporting corporate service business of the Department on behalf of its many business areas.

It encompasses both internal electronic transactions and external transactions, including telephone, e-mail, Internet and government Intranet activity. The great bulk of those personal information records within that network environment are described above, or are described in the other parts of this plan that deal with the content of core business operations of business areas of the Department. This extends to all individual and whole of agency e-mail address groups.

In addition to that material, there are some personal information records specifically tailored to IT system administration, namely IT system security identifiers and usage tracking records about staff users of the IT system that are held by central IT administrators and staff supervisors.

That information is not usually disclosed to persons other than staff supervisors, system administrators and the individual officers concerned. Staff are routinely made aware of system usage rules and monitoring procedures concerning collection and use of the information.

The records relate to approximately 500 individuals and are stored on paper and electronic media.

Individuals can obtain information regarding access to their personal information by contacting the Director, Information Management on (07) 3237 9630 or the Freedom of Information Officers on (07) 3237 9975 or (07) 3247 5631.

Location: Information Management and Development Unit and relevant areas of the Department.

ADMINISTRATIVE LAW

Personal information is collected when the Department receives a Freedom of Information request or a request to amend personal information under the *Freedom of Information Act 1992* (FOI Act) from an individual. Some of the documents gathered to process the request may contain personal information (“personal affairs” as phrased under the FOI Act).

The staff in the Freedom of Information Section and the Legal Services Unit have access to this personal information.

The records are kept according to the categories set out in the standard Retention and Disposal schedule issued by Queensland State Archives.

This information is given to the Information Commissioner if the applicant and/or a third party requests an external review of the FOI decision. This information is not usually disclosed to any other persons or organisations.

Location: Freedom of Information Section.

OFFICE OF DIRECTOR-GENERAL

The Office of the Director-General collects personal information in accordance with Section 83 Declaration of Interests and Section 84 Conflicts of Interest of the *Public Service Act 1996* and Section 36 Functions and Duties of All Accountable Officers of the *Financial Administration and Audit Act 1977*.

Section 83 of the *Public Service Act 1996* provides that if it is considered necessary because of the duties and responsibilities of an employee of the department, the chief executive may direct that the employee give within a stated time or at stated intervals, a statement setting out the employees interests.

The nature of this information is set out in Directive 8/96 and relates to known significant pecuniary and non-pecuniary interests of the employee and that of the employee’s dependants and spouse.

Section 84 of the *Public Service Act 1996* provides that where a public service employee has an interest that conflicts or may conflict with the discharge of the employee's duties, he or she must disclose the nature of the interest and conflict to the chief executive as soon as practicable after the relevant facts come to the employee's knowledge.

The general content of the information collected in accordance with the sections of the *Public Service Act 1996* may include financial information, lists of assets, spouse, dependants and relationship details,

The following staff have access to this personal information: Director-General; Staff of the Office of the Director-General; Internal Auditor; Manager, Legal Services Unit.

The records are kept according to the categories set out in the Standard Retention and Disposal Schedule issued by Queensland State Archives

Location: The Director-General's Office in locked storage.

INTERNAL AUDIT

The Department's Internal Audit Unit is established in accordance with section 36 of the *Financial Administration and Audit Act 1977* and operated in accordance with Part 5 Division 4 of the *Financial Management Standard 1997*. The Internal Audit Unit may collect personal information during the conduct of audits performed in accordance with the Internal Auditing Standards as pronounced by the Institute of Internal Auditors. The personal information collected may include, for example, payroll reports and leave forms.

The following officers have access to this personal information:

- internal auditors; and
- external auditors (these are public service employees of the government department, the Queensland Audit Office (QAO). Officers of the QAO have a legislated power to access documents and property relating to the external audit, as per section 85 of the *Financial Administration and Audit Act 1977*, which includes internal audit reports and documentation.)

The records are kept according to the categories set out in the Standard Retention and Disposal Schedule issued by Queensland State Archives.

Location: The Internal Auditor's working files are stored within the unit, in locked cabinets.

CLIENT'S PERSONAL DETAILS

Client personal details are collected by DTFTWID for the purposes of issuing licences, assessing objections, providing registration and carrying out investigations under the relevant legislation relating to Fair Trading and Liquor

Licensing. *SmartLicence* also collects personal information on behalf of DTFTWID for the purposes of issuing licences and providing registration.

The personal information includes:

1. current and previous names;
2. residential; mailing; and e-mail addresses;
3. post office box numbers and holders;
4. telephone and facsimile numbers;
5. date and place of birth;
6. financial and bank account details;
7. financial and bankruptcy history;
8. spouse and relationship details;
9. employment history;
10. credit card details;
11. drivers licence;
12. confiscated identification cards/documents;
13. other photographic identification details;
14. physical description;
15. personal injury reports;
16. patient information within the meaning of *Mental Health Act 1974*; and
17. letters of complaint.

In accordance with relevant legislation, the Department collects criminal history details from persons applying for various licenses. These details are treated as confidential information in accordance with the relevant legislation. The Department will be seeking legal advice as to whether criminal history details fall within personal information as defined in IS42.

Client personal information is also collected via client complaints and investigations. The files are maintained for the purposes of addressing complaints, ongoing assessment of licences and registration, and investigation and enforcement in relation to alleged offences. These files may only be accessed by the relevant investigations branch.

The Office of Fair Trading, Liquor Licensing and *SmartLicence* staff have access to personal information that they need to know to carry out their duties.

In accordance with the relevant legislation, personal information is permitted to be disclosed as follows:

- to the Queensland Police Service; Queensland Department of Transport; Prostitution Licensing Authority; Australian Federal Police; and interstate Police and Fair Trading Departments when assessing licence applications;
- objectors submissions are passed onto the applicant of the licence;
- through public registers;
- inspection of documents by the public; and

- photocopies of documents and extracts from the public registers.

The records are kept for variable periods according to the applicable provisions of the relevant Standard Retention and Disposal Schedule issued by Queensland State Archives.

Location: Office of Fair Trading, State Law Building, 50 Ann Street, Brisbane.
Office of Fair Trading, Metrology House, Metrology House, 383 Boundary Street, Spring Hill.

Liquor Licensing, Level 19, Mineral House, 41 George Street, Brisbane.

DEPARTMENT OF TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT REGIONAL CONTACT DETAILS	
Region	Fair Trading and Liquor Licensing
Cairns	Level 2, State Government Building, 10-12 McLeod Street
Mackay	Level 1, Post Office Square, 69 Sydney Street
Maroochydore	54 Baden Powell St.
Wide Bay / Burnett	Ground Floor, Brendan Hansen Building, 50-54 Main Street, Pinalba
Mt. Isa	Suite 14 Mt Isa House, Mary Street
Rockhampton	Ground Floor, State Government Building, 209 Bolsover Street
Southport	Ground Floor, Taylor House, 7 Short Street
Toowoomba	137 Herries Street
Townsville	Ground Floor, State Government Building, Cnr Stanley and Walker Streets

SmartLicence, 400 Boundary Street, Cnr Fortescue Street, Spring Hill.

6. Existing Contracts, Licenses and Outsourcing Arrangements

The following information brokers have access to Office of Fair Trading databases:

Australian Business Research Pty Ltd
Australian Data Brokers Pty Ltd
Citec Confirm
Computer Fiscal Service Pty Ltd
Dealer Network Systems Pty Ltd
Ultimate Business Systems Pty Ltd
REVS NSW
National Data Centre Pty Ltd
Credit Advantage Limited
Solution 6 Lawpoint Pty Ltd
Legalco Management Pty Ltd

The following organisations have consultancies with the Department:

KPMG
TMP Worldwide
Commercial and Aviation Tourism Plan
Design of Department Intranet Site

The following organisations have contracts with the Department:

Corporate Express
Optus Facilities Management

These consultancies and contracts will be reviewed and where necessary be amended to ensure that there is compliance with IS 42.

7. Public Registers Managed within the Department of Tourism, Fair Trading and Wine Industry Development.

Information is available from the following registers upon payment of the specified fee:

Office of Fair Trading, State Law Building, 50 Ann Street, Brisbane

Register Maintained Under *Associations Incorporation Act 1981 and Associations Incorporation Regulation 1999*

Details of incorporated associations including office holders and associations refused incorporation. Register maintained by Senior Registration Officer, Registration and Community Services Branch, Charities and Associations. Access contact number is (07) 3239 0488.

Register Maintained Under *Bills of Sale and Other Instruments Act 1955*

Details of security interests. Register maintained by Fair Trading Services Officer, Business and Executive Services. Access contact number (07) 3246 1566.

Register Maintained Under *Business Names Act 1962*

Details of proprietor of business names and proprietor's address. Register maintained by Licensing and Registration Officer, Registration and Community Services Branch, Business Names Unit. Access contact number is (07) 3239 0961.

Register Maintained Under *Collections Act 1966 and Collections Regulation 1998*

Details of Registered Charities and office holders; associations refused registration; register of sanctions; and register of devises used for collections. Register maintained by Assistant Registration Officer, Registration and Community Services Branch, Charities and Associations. Access contact number is (07) 3239 0447.

Register Maintained Under *Cooperatives Act 1997*

Details of cooperatives, foreign cooperatives and cooperative charges. Register maintained by Principal Compliance Officer, Registration and Community Services Branch, Cooperatives and Funds. Access contact number is (07) 3239 3630.

Register Maintained Under *Consumer Credit (Queensland) Act 1994*

Details of conduct deeds. Register maintained by Policy and Legislation Division. Access contact number is (07) 3238 3090.

Register Maintained Under *Fair Trading Act 1989*

Details of exemption from door to door sales provisions. Details of undertakings. Registers maintained by Policy and Legislation Division. Access contact number is (07) 3239 0851.

Register Maintained Under *Hawkers Act 1984*

Details of current licensees under the Act. Register maintained by Licensing Officer, Licensing Branch, Occupational Licensing and Land Sales. Access contact number is (07) 3239 6760.

Register Maintained Under *Invasion of Privacy Act 1971*

Details of current licensees under the Act, including private inquiry agents and credit reporting agents. Register maintained by Licensing Officer, Licensing Branch, Occupational Licensing and Land Sales. Access contact number is (07) 3239 6760.

Register Maintained Under *Liens on Crops of Sugar Cane Act 1931*

Details of liens on crops of sugar cane. Register maintained by Fair Trading Services Officer, Business and Executive Services. Access contact number is (07) 3246 1566.

Register Maintained Under *Motor Vehicles Securities Act 1986*

Details of security interests over motor vehicles, boats and flood affected and stolen vehicles (REVS). Register maintained by Fair Trading Services Officer, Business and Executive Services. Access contact number is (07) 3246 1566.

Register Maintained Under *Partnership (Limited Liability) Act 1988*

Details of limited partnerships. Register held by Licensing and Registration Officer, Registration and Community Services Branch, Business Names Unit. Access contact number is (07) 3239 0961.

Register Maintained Under *Pawnbrokers Act 1984*

Details of current licensees under the Act. Register maintained by Licensing Officer, Licensing Branch, Occupational Licensing and Land Sales. Access contact number is (07) 3239 6760.

Register Maintained Under *Property Agents and Motor Dealers Act 2000*

Details of licences and applications for licences and refused licence applications. Details of registration certificates and applications for registration under the Act. Registers maintained by Principal Licensing Officer, Licensing Branch, Auctioneers and Agents Licensing. Access contact number is (07) 3239 0927.

Register Maintained Under *Retirement Villages Act 1999*

Details of retirement village schemes. Register maintained by Assistant Fund Administrator, Licensing Branch. Access contact number is (07) 3239 6944.

Register Maintained Under *Second Hand Dealers and Collectors Act 1984 and Second-Hand Dealers and Collectors Regulation*

Details of current licensees under the Act. Register maintained by Licensing Officer, Licensing Branch, Occupational Licensing and Land Sales. Access contact number is (07) 3239 6760.

Register Maintained Under *Security Providers Act 1993 and Security Providers Regulation 1995*

Details of current licensees under the Act including private investigators, security officers, crowd controllers and security firms. Register maintained by Licensing Officer, Licensing Branch, Occupational Licensing and Land Sales. Access contact number is (07) 3239 6760.

Register Maintained Under *Trade Measurement Act 1990*

Details of licensed weighing and measuring instrument certifiers and public weighbridges. Register maintained by Manager, Trade Measurement Section. Access contact number is (07) 3836 0409.

Register Maintained Under *Travel Agents Act 1988*

Details of licensed travel agents. Register maintained by Licensing Officer, Licensing Branch, Occupational Licensing and Land Sales. Access contact number is (07) 3239 6760.

Liquor Licensing Division, 41 George Street, Brisbane

Registers Maintained Under the *Liquor Act 1992*

Details of holders of liquor, wine and adult entertainment licences and permits.

Register for individual premises held by License Facilitator, Licensing Administration Unit, (07) 3224 8399.

Register for list of individual licensed premises held by Data Administrator, Industry Development, (07) 3224 5743.

Access to details in all of the above registers is restricted to the purpose for which the register is kept unless legislation provides otherwise. The information which may be provided from the register is generally prescribed by the relevant legislation.

8. Implementation Timetable

The Department of Tourism, Fair Trading and Wine Industry Development implemented the privacy plan in mid- 2003.

Privacy Implementation Plan

Informing staff of their privacy responsibilities is an important element in ensuring that DTFTWID successfully complies with the requirements of IS 42 and related guidelines. To ensure a general awareness of the issues and the principles involved, mechanisms have been identified below which provide for ready access by staff to information regarding the Plan and the IPPs which form the core of IS 42.

The various tasks associated with implementation of the plan have been completed as outlined below.

Goal	Implementation	Date of Completion
Review relevant practice, procedure and functions.	Privacy Audit responses reviewed, determined which types of information are held and identified personal information contained in the holdings.	Completed May 2002
	Reviewed Privacy Audit responses and determined the functions, purposes and procedures of the Divisions by reference to relevant Department program functions.	Completed May 2002
Review all notices, applications, forms, questionnaires etc that collect personal information.	<p>Reviewed all notices, applications, forms, fine notices, questionnaires, e-mails, facsimiles, etc. administered by Office of Fair Trading, Liquor Licensing, and held by <i>SmartLicence</i>, QGAP and some magistrates courts and police stations.</p> <p>Modified forms by insertion of IPP2 notice. Put in place measures to ensure compliance with IPP2 notices.</p> <p>Staff who collect personal information by telephone equipped with a form of words to notify clients of matters required by IPP2 and to obtain consent to further disclosure, where necessary.</p> <p>Reviewed the practice of providing personal and business information to third parties for research purposes. This was done by reference to guidelines of the Department of Fair Trading NSW.</p>	Completed August 2003

Briefing Session to Director-General and Senior Management	Privacy Coordinators from Justice and Attorney-General presented Privacy Regime to Director-General and Senior Management.	Completed
Provide Training on Privacy Issues	Prepared training awareness material and program for operational staff. Delivered training with Legal Services Manager to operational staff.	Completed August 2003
	Incorporated privacy issues in line manager/supervisor training to assist in on the job training for staff.	Completed August 2003
	Assisted HRM Section to incorporate privacy issues in staff induction training material.	Completed August 2003
Develop complaint handling procedures	Developed guidelines and procedures on complaint handling and resolution.	Completed April 2003
	Reviewed and upgraded grievance documentation to include privacy complaints.	Completed May 2003
Review legislation, policies and public registers	<p>Reviewed legislation and policies which currently govern the way personal information is collected and processed.</p> <p>Reviewed confidentiality/secretcy legislative provisions and identify any those that will supersede the IPPs.</p> <p>Reviewed legislation which allows disclosure of personal information through public registers and/or inspection of documents.</p> <p>Reviewed HRM policies and manuals in relation to collection, storage, use and disclosure of personal information.</p>	Review completed. Guidelines created May 2003
Develop relevant policies/guidelines	Develop guidelines for service points at which personal information is collected.	Completed May 2003
	Develop guidelines for staff generally regarding privacy responsibilities.	Completed May 2003
	Review and develop procedures for dealing with requests for access in accordance with legislation & IS 42.	Review completed Guidelines created June 2003
	Review current storage and disposal policies of electronic and paper information with reference to the Department's and whole of government policies. Archives.	Completed June 2003

	Reviewed HRM policies and manuals in relation to collection, storage, use and disclosure of personal information.	Completed August 2003
Review contracts	Review contracts and license agreements for compliance with the IPPs. When current licenses or contracts cease, they will be amended to comply with IS 42.	Completed August 2003
Conduct annual review	Ongoing annual review and updating of privacy plan.	Continuing- Last attended to October 2004
Monitor Privacy Awareness	Monitor changes in privacy practice and awareness.	Ongoing

9. Procedure to Gain Access and Amendment to Personal Information

Under the privacy scheme, there are controls on how *personal information* is managed. The rights of access and amendment are dealt with in Information Privacy Principles (IPPs) 6 and 7. Those rights are confined to the person to whom the personal information directly and personally relates.

IPP 6 basically provides that a person is entitled to access any record that contains their *personal information* except where access is restricted by any law.

IPP 7 basically provides that a person is entitled to seek an amendment of any record that contains their *personal information* which is misleading, irrelevant, not up-to-date or incomplete.

However, Information Standard 42, in which Information Privacy Principles 6 and 7 appear, qualifies those access and amendment rights by saying that they are limited to existing rights under the *Freedom of Information Act 1992*. This means that *personal information* for the purpose of IPPs 6 and 7 is limited to information concerning an individual's *personal affairs* in the way that phrase has been interpreted in the *FOI Act*.

In summary, if you want to request access to, or amendment of, your personal information records in the Department of Tourism, Fair Trading and Wine Industry Development, you need to be aware that:

1. the IPPs limit the access and amendment rights and processes to those provided in the *FOI Act*; and
2. any application for documents or application for correction or amendment will therefore be processed under the *FOI Act* provisions.

Persons wanting to make an FOI access or amendment application can refer to the Department's Internet website at: <http://www.dftwid.qld.gov.au/privacy.asp>

Completed applications can be lodged in person or by post. The addresses are:

Privacy Contact Officer
Privacy and Freedom of Information Section
Department of Tourism, Fair Trading and Wine Industry Development.
26th Flr. 111 George Street
BRISBANE QLD 4000

GPO Box 1141
BRISBANE QLD 4000

Phone: (07) 3247 5631 or (07) 3237 9975

10. Complaints about the Department's handling of information privacy

If an individual believes that the Department of Tourism, Fair Trading and Wine Industry Development. (DTFTWID) has not dealt with their personal information in accordance with an IPP, they may make a complaint to DTFTWID. A complaint must be made in writing within six months from the date when the breach of the IPP was suspected to have occurred.

Written complaints should be sent to the Privacy Contact Officer. The postal address is:

Privacy Contact Officer
Privacy and Freedom of Information Section
Department of Tourism, Fair Trading and
Wine Industry Development
GPO Box 1141
BRISBANE Q. 4000

The Privacy Contact Officer can provide more information about complaint handling procedures. The Privacy Contact Officer's phone number is (07) 3247 5631.

Complaints will be acknowledged in writing within 14 days from the date on which the application was received. The Department will process each complaint within sixty 60 days from the date on which the application is received. The complainant will be advised in writing of the Department's investigation decision, including any remedies that are considered appropriate to resolve the complaint.

If an applicant does not agree with the Department's decision, they can apply in writing to the Internal Review Officer – Privacy, for internal review of the initial decision. Applications for internal review must be made within 28 days of the complainant receiving the initial complaint decision notice. The postal address for internal review applications is:

Internal Review Officer - Privacy
Privacy and Freedom of Information Section
DTFTWID GPO Box 1141
BRISBANE Q. 4000

The internal review will be carried out by an officer who is no less senior than the initial decision maker and who has not previously been involved in the matter. The internal review will be completed within 45 days of receipt of the application for internal review. The Internal Review Officer will provide a response decision in writing to the individual who requested the further review.

12. Summary of Information Privacy Principles

Policy Statement

Personal information held by Queensland agencies must be responsibly and transparently collected and managed (including any transfer or sale of personal information held by agencies to other agencies, other levels of Government or the private sector) in accordance with the requirements of the IPP.

Policy Principles

Agencies must comply with eleven IPPs, which govern how personal information is collected, stored, used and disclosed.

The IPPs deal with the following:

- Principle 1: Manner and purpose of collection of personal information;
- Principle 2: Solicitation of personal information from individual concerned;
- Principle 3: Solicitation of personal information generally;
- Principle 4: Storage and security of personal information;
- Principle 5: Information relating to records kept by record-keeper;
- Principle 6: Access to records containing personal information;
- Principle 7: Alteration of records containing personal information;
- Principle 8: Record-keeper to check accuracy, etc., of personal information before use;
- Principle 9: Personal information to be used only for relevant purposes;
- Principle 10: Limits on use of personal information;
- Principle 11: Limits on disclosure of personal information.

Collection of Personal Information (IPPs 1-3)

Information Privacy Principle 1

- (1) Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector; and
 - b) the collection of the information is necessary for or directly related to that purpose.
- (2) Personal information shall not be collected by a collector by unlawful or unfair means.

Information Privacy Principle 2

Where:

- a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- b) the information is solicited by the collector from the individual concerned;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- the purpose for which the information is being collected;
- if the collection of the information is authorised or required by or under law, the fact that the collection of the information is so authorised or required; and
- any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first-mentioned person, body or agency to pass on that information.

Information Privacy Principle 3

Where:

- a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- b) the information is solicited by the collector;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:

- the information collected is relevant to that purpose and is up to date and complete; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Storage and Security (IPPs 4-5)

Information Privacy Principle 4

A record-keeper who has possession or control of a record that contains personal information shall ensure:

- a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Information Privacy Principle 5

1. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:
 - (a) whether the record-keeper has possession or control of any records that contain personal information; and
 - (b) if the record-keeper has possession or control of a record that contains such information:
 - the nature of that information;
 - the main purposes for which that information is used; and
 - the steps that the person should take if the person wishes to obtain access to the record.
2. A record-keeper is not required under clause 1 of this Principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the State that provides for access by persons to documents.
3. A record-keeper shall maintain a record in the form of a privacy plan setting out:
 - the nature of the records of personal information kept by or on behalf of the record-keeper;
 - the purpose for which each type of record is kept;
 - the classes or types of individuals about whom records are kept;
 - the period for which each type of record is kept;

- the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- the steps that should be taken by persons wishing to obtain access to that information.

4. A record-keeper shall make the record maintained under clause 3 of this Principle available for inspection by members of the public.

Access and Alteration (IPPs 6-7)

Information Privacy Principle 6²

Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorized to refuse to provide the individual with access to that record under the applicable provisions of any law of the State that provides for access by persons to documents.

Information Privacy Principle 7³

1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:
 - is accurate; and
 - is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.
2. The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the State that provides a right to require the correction or amendment of documents.
3. Where:
 - a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned; and

² This principle deals with right of access. One of the reasons for enactment of the *Freedom of Information Act 1992* was because "Parliament recognises that in a free and democratic society ... members of the community should have access to information held by government in relation to their personal affairs and should be given ways to ensure that information of that kind is accurate, complete, up-to-date and not misleading" [Section 5(1)]. Part 3 of that Act allows for access to documents. Right of access under IPP 6 is limited to existing rights under the *Freedom of Information Act 1992*.

³ This principle deals with the right of amendment or correction. Part 4 of the *Freedom of Information Act 1992* deals with amendment or correction. Right of amendment or correction under IPP 7 is limited to existing rights under the *Freedom of Information Act 1992*.

- b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provision of a law of the State;

the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Accuracy (IPP 8)

Information Privacy Principle 8

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Use and Disclosure (IPPs 9-11)

Information Privacy Principle 9

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Information Privacy Principle 10

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:
 - a) the individual concerned has consented to use of the information for that other purpose;
 - b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
 - c) use of the information for that other purpose is required or authorised by or under law;
 - d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or

- e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.
2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Information Privacy Principle 11

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:
 - (a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;
 - (b) the individual concerned has consented to the disclosure;
 - (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
 - (d) the disclosure is required or authorised by or under law; or
 - (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.
2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.
3. A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.