Privacy complaints procedure

1. Purpose

This procedure describes the process for lodging a privacy complaint with the Department of State Development, Infrastructure and Planning (the department). It should be read in conjunction with the *Information Privacy Act 2009* (the Act).

2. Scope

This procedure applies to all:

- Department employees as defined under the *Public Sector Act 2022* (the PS Act), except employees of the Office of Industrial Relations.[1]
- Labour hire contractors and trainees.
- Employees from another department or public sector entity on secondment or mobility arrangement under the PS Act.

3. Procedure

The department is committed to protecting individuals' personal information and meeting its obligations under the Act, including the Queensland Privacy Principles (QPPs) set out in Schedule 3 of the Act. The QPPs govern how the department collects, holds, uses and discloses personal information, and how individuals can access and seek correction of their personal information. The table below provides an overview of the QPPs.

QPP	Topic
1	Open and transparent management of personal information
2	Anonymity and pseudonymity
3	Collection of solicited personal information
4	Dealing with unsolicited personal information
5	Notification of the collection of personal information
6	Use or disclosure of personal information
10	Quality of personal information
11	Security of personal information
12	Access to personal information
13	Correction of personal information

3.1 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 Integrity and Workplace Relations, PO Box 15009, City East, QLD 4001
- by email to **complaints@dsdip.qld.gov.au**
- online using the whole-of-government complaint form.

[1] Employees of the Office of Industrial Relations (OIR) should refer to policy and procedural guidance of OIR.

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3.2 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.

3.3 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).

3.4 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.

3.5 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.

3.6 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 via their **website**, **by email or by post**.

4. Delegations

Delegations are to be exercised in accordance with the department's Human Resources, Financial, Procurement, Contract Signing and Business Support Delegations, and/or as defined in this procedure. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

5. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019* (HR Act), all public entities (including the department and its employees) have 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 acting or making a decision under this procedure, decision-makers must comply with this obligation. Refer to the Human Rights Act page on Connect (internal link) for further information.

6. Responsibilities

See the Complaints management policy for responsibilities and accountabilities related to this procedure.

7. Definitions

Unless otherwise defined, the terms in this procedure have the meaning as set out in the *Information Privacy Act 2009* and the Complaints management policy.

Refer to **Appendix A** for definitions of key terms referred to in this procedure.

8. Related documents, forms and templates

- Complaints management policy

9. References

- Code of Conduct for the Queensland Public Service
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- Queensland Office of the Information Commissioner
- *Public Sector Act 2022*
- *Public Records Act 2023*

10. Further information

For further information or clarification, please contact complaints@dsdip.qld.gov.au.

11. Storage of information

All information should be managed in accordance with the *Public Records Act 2023*, and the whole-of-Government Records Governance policy. In addition, personal information should be managed in accordance with the *Information Privacy Act 2009*.

12. Document control

Policy owner		Director, Integrity and Workplace Relations People and Performance, Corporate		
Contact details		complaints@dsdip.qld.gov.au		
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Version	**Issue Date**	**Reason**	**Author**	**Approver**
1.0	26/07/2020	New guideline	Senior Ethics Advisor, Governance, Performance and Risk	Deputy Director-General, Corporate

Version	Issue Date	Reason	Author	Approver
1.1	20/07/2021	Update branding – following Machinery of Government Changes	Senior Project Officer, Ethics	Director, Ethics
1.2	14/12/2023	Annual Review (light review only)	Principal Advisor, Workplace Relations	Director, Integrity & Workplace Relations
1.3	05/03/2024	Machinery of Government – Department name change	Senior Governance Officer, Corporate Governance, People and Performance	Director, Integrity & Workplace Relations, People and Performance
1.4	18/11/2026	Minor update to align with the Queensland privacy principles	Principal Advisor, Integrity and Workplace Relations, People and Performance	Director, Integrity and Workplace Relations, People and Performance

Appendix A: Definitions

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

Term	Definition
Delegate	• Departmental officer at Executive Director level and above who is impartial to the matter.
Personal Information	• As defined in section 12 of the *Information Privacy Act 2009* (the Act)
Privacy complaint	• As defined in section 164 of the Act
Privacy principles	• As set out in Schedule 3 of the Act