



Contracted service providers & AI

If your organisation's contract or service agreement with the Department of Families, Seniors, Disability Services and Child Safety (**the department**), binds your organisation to comply with the *Information Privacy Act 2009 (IP Act)*, you must consider how you will meet those obligations before adopting the use of Artificial Intelligence (**AI**) products in relation to personal information.

The department cannot provide advice about whether you can use a specific product. Although we do not prohibit the use of AI products, you must consider your legal and contractual obligations, and seek independent advice as necessary, when deciding whether to use AI products.

Definitions

Generative AI is the common term used to describe computer systems which generate content in response to user prompts (e.g. Microsoft Copilot).

A *user prompt* is the information users input into a generative AI system (e.g. a question or request to carry out a task and any supporting information), which prompts the system to generate a response.

Output is the information generated in response to a user prompt.

Hallucinations are incorrect data generated by AI systems.

What are your obligations?

Any use of AI systems that involves personal information (whether as user input or generated output) must comply with the privacy principles, including those that govern the collection, accuracy, security, use, and disclosure (including overseas disclosure), of personal information.

Because the definition of personal information in the IP Act includes personal information, whether true or not correct, the privacy principles will also apply in relation to hallucinations and inaccurate outputs.

Queensland Government guidelines

The Queensland Government's [Use of Generative AI for Government guideline](#) outlines what government employees must consider when using generative AI products or services, including:

- All official government information and personal information related to clients, employees or others, should not be shared with, input, or uploaded to generative AI products and services not approved for use by the department.

Child protection information

Departmental staff have been advised that under no circumstances is child protection related information to be entered or uploaded into an AI product or service.

- Commercial generative AI products and services should only be used with publicly available content. Personal and sensitive information as well as internal or draft documents should not be input into commercial tools.

Office of the Australian Information Commissioner guidelines

The Office of the Australian Information Commissioner has published [Guidance on privacy and the use of commercially available AI products | OAIC](#) which includes:

- As a matter of best practice, do not enter personal information (particularly sensitive information) into publicly available generative AI tools.
- Establish policies and procedures for the use of AI by employees.
- Ensure that your privacy policies and privacy notices include clear information about your use of AI and any public facing AI tools (e.g. chatbots) are clearly identified.
- Privacy obligations apply to any personal information input into an AI system, as well as the AI data generated by AI (if it contains personal information).
- If personal information is input into an AI system, it is a use or disclosure of that information and must be in accordance with QPP6. Importantly, personal information should only be used or disclosed for the purpose for which it was collected unless the person has consented, or an exception applies.
- The use of AI systems to generate personal information is a *collection* of personal information and must comply with QPP3, including:
 - Personal information must be collected by lawful and fair means, and
 - It must be reasonably necessary for the performance of your functions or activities.

These obligations also apply in relation to incorrect information produced by AI models (e.g. hallucinations) if the information is about an identified or reasonably identifiable individual.

Resources

- [Guidance on privacy and the use of commercially available AI products | OAIC](#)
- [Australia's Artificial Intelligence Ethics Principles | Department of Industry Science and Resources](#)
- [Use of Generative AI for Government](#)
- [Voluntary AI Safety Standard | Department of Industry Science and Resources](#)
- [ISO/IEC 42001:2023 - AI management systems](#)
- [Guidance on privacy and developing and training generative AI models | OAIC](#)
- [Can personal information be used to develop or train GenAI? | OAIC](#)
- [Microsoft Copilot and the privacy risks of using generative AI | Office of the Information Commissioner Queensland](#).