



Information Privacy Guide

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Department of Families, Seniors, Disability Services and Child Safety



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The *Information Privacy Act 2009* (Qld) (IP Act) regulates how public sector agencies such as the Department of Child Safety, Seniors and Disability Services (the department) collect, manage, use and disclose personal information.

This document is prepared in compliance with the department's obligation under Information Privacy Principle (IPP) 5 to take reasonable steps to ensure that you can find out:

- if the department controls any documents containing personal information
- the type of personal information in those documents
- the main purposes for which that personal information is used, and
- how you can access your own personal information.

1. What are the department's obligations under the IP Act?

The IP Act:

- creates an obligation on the department to comply with 11 IPPs
- regulates when personal information may be transferred outside of Australia, and
- outlines the department's obligations regarding contracted service providers.

Together, the IPPs and other obligations are referred to as 'privacy principles'.

1.1 What is personal information?

Personal information is defined in section 12 of the IP Act as:

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 may be stored in many formats, including hard copy (e.g. paper, photograph, video/audiotape) or electronic (e.g. in an electronic database or digital format).

1.2 What are the IPPs?

The 11 IPPs set out the department's obligations for how personal information must be managed. The IPPs deal with:

- IPP 1: Collection of personal information (lawful and fair)
- IPP 2: Collection of personal information (requested from individual)
- IPP 3: Collection of personal information (relevance etc.)
- IPP 4: Storage and security of personal information
- IPP 5: Providing Information about documents containing personal information
- IPP 6: Access to documents containing personal information
- IPP 7: Amendment of documents containing personal information
- IPP 8: Checking of accuracy etc. of personal information before use by agency
- IPP 9: Use of Personal information only for relevant purpose

IPP 10: Limits on use of personal information

IPP 11: Limits on disclosure

1.3 Obligations regarding contracted service providers

Where the department enters into a contract or other arrangement for the provision of services that deal with personal information, the department must take all reasonable steps to bind the service provider to comply with the privacy principles. If it does not do so, the department may be liable for any privacy breaches by the service provider.

1.4 Transferring personal information overseas

The IP Act also regulates the transfer of personal information to entities outside Australia. This is relevant if personal information is stored on computer networks and servers outside Australia (e.g. some cloud-based service providers are located overseas).

Under the IP Act, the department may transfer personal information outside Australia only if it complies with the various requirements set out in section 33 of the IP Act, including:

- the person has agreed to the transfer of their personal information, or
- the transfer is authorised or required by law, or
- there are reasonable grounds to believe the transfer is necessary to prevent or lessen a serious threat to someone's life, health, or safety, or
- the department is satisfied that the information will be subject to privacy protections that are substantially similar to the IPPs and has taken reasonable steps to ensure that the information will not be treated in a way inconsistent with the IPPs.

1.5 Documents to which privacy principles do not apply

Documents to which to privacy principles do not apply include:

- generally available publications
- documents held in a library, art gallery or museum for reference, study or exhibition
- public records under the *Public Records Act 2002* in the custody of Queensland State Archives that are not in a restricted access period under that Act
- a letter, or anything else, while it is being transmitted by post
- a document to the extent it contains personal information—
 - arising out of or in connection with certain covert activity (e.g. operations under the *Police Powers and Responsibilities Act 2000* or the *Crime and Corruption Act 2001*, or warrants under the *Telecommunications (Interception and Access) Act 1979* (Cwlth))
 - relating to witness protection under the *Witness Protection Act 2000* or other arrangements under an Act
 - relating to disciplinary actions or misconduct (e.g. under the *Police Service Administration Act 1990*, the *Crime and Corruption Act 2001*) or public interest disclosures under the *Public Interest Disclosure Act 2010*
 - subject to the Cabinet and Executive Council exemption in the *Right to Information Act 2009* (RTI Act)

- arising out of a commission of inquiry.

2. About the department

The three main areas within the department are Child Safety, Seniors, and Disability Services. The department administers (or jointly administers) legislation relating to the delivery of these services and may deal with personal information when doing so.

Key legislation includes:

- [Adoption Act 2009](#)
- [Child Protection Act 1999](#)
- [Child Protection \(International Measures\) Act 2003](#)
- [Disability Services Act 2006](#)
- [Forensic Disability Act 2011](#)
- [Guide, Hearing and Assistance Dogs Act 2009](#)
- [Anti-Discrimination Act 1991](#)

2.1 Child Safety

Child Safety works to strengthen and protect the wellbeing of Queensland children, young people and families so they can reach their full potential.

The department is the Queensland Government's lead agency for child safety and adoption services. We focus on safety, belonging and wellbeing and support the delivery of services to build families' capacity to care for and nurture their children.

2.2 Seniors

Seniors supports an age-friendly community where older people are valued, respected and actively engaged in their community. They can stay in touch with people they care about and find the services and support they need. Seniors coordinates support and services for older Queenslanders, including information about seniors card, concessions, home support, health, transport, social programs, recreation, elder abuse and more.

Seniors also provides a free statewide telephone information, support and referral service for anyone who is experiencing elder abuse or is concerned about someone they know. Also provides community education and awareness activities.

2.3 Disability Services

After commencement of the National Disability Insurance Scheme (NDIS), the Queensland Government's traditional role in disability services shifted to supporting and advocating for people with disability, working in partnership with the disability sector to create an all-abilities Queensland, and monitoring the NDIS to ensure it delivers the outcomes we expect for Queenslanders with disability, although it continues to deliver Accommodation Support and Respite Services.

The Queensland Government seeks and considers the lived experience and views of people with disability, their families, carers and the sector, as part of its oversight and advocacy role.

3. Collecting Personal Information

3.1 What areas of the department collect personal information?

The following areas of the department collect personal information for the purposes of their service delivery, regulatory, legislative, and administrative activities:

- **Child and family services** (including adoption, child protection, family support and foster care)
- **Office of the Child and Family Official Solicitor** (including child protection litigation)
- **Seniors**
- **Disability Services**
- **National Redress Scheme** (to acknowledge and support people who experienced sexual abuse in an institutional setting)
- **Corporate services** (including human resources, staff support, finance, procurement, legal advice, audits and compliance, and information access).

More details about the functions and services provided by the above areas of the department are found in **Appendix 1** of this guide.

3.2 What types of personal information does the department collect?

The department only collects the information we need to carry out our functions and activities, including regulatory, legislative, and administrative activities.

The personal information the department collects may include information about:

- clients, their family members and carers
- departmental employees, including prospective employees, and contractors
- representatives and employees of non-government service providers
- representatives of organisations, local governments and members of ministerial advisory committees that may be constituted from time to time
- vendors and service providers.

The types of personal information collected will depend on the function or activity we are performing, but may include:

- name and contact details
- date of birth
- signature
- photograph

- financial/bank details including Centrelink and Veteran Affairs information
- unique identifying numbers (e.g. tax file number, driver licence number)
- cultural background
- family and relationship details
- child protection history and allegations of harm
- medical/health/diagnostic information
- educational needs and service provision needs
- adoption information
- occupation and employment history
- details of office bearers in funded organisations
- offending and criminal history
- details about persons making complaints, subjects of complaints and witnesses
- recruitment information, such as applications, curriculum vitae, referee reports, interview notes and selection panel assessments
- information about staff relevant to human resource management functions (e.g. leave entitlements, bank account details, superannuation information, pay scale)
- footage captured by camera surveillance systems or electronic monitoring devices in departmental premises, such as at service centre counters.

3.3 How do we collect personal information?

3.3.1 Direct collection

The main way we collect personal information about you is when you give it to us. However, we may also collect information about you from third parties where necessary, for example:

- if the department has been notified about concerns relating to your child, we may seek information from family members, support persons, neighbours, teachers or medical professionals who are working with your family
- if you are receiving disability services from Accommodation Support and Respite Services (AS&RS), we may ask your authorised representative (if you have one) for information about your needs.

When we collect personal information from you, we take reasonable steps to explain to you why your information is being collected and whether the collection is required under a law, how your information will be used and whether it might be disclosed to anyone else. This information may be given in writing or verbally.

3.3.2 Web analytics and cookies

When you visit the department's website, our web measurement tool and internet service provider records anonymous information for statistical purposes only, including:

- the type of browser, computer platform and screen resolution you are using
- your traffic patterns through our site, such as:
 - pages you accessed and documents downloaded
 - the page you visited prior to accessing our site
 - the IP address of the server accessing our site.

Our web measurement software uses cookies to collect this information. Cookies are small data files transferred onto computers or devices by websites for record-keeping purposes



and to enhance functionality on the website. Most browsers allow you to choose whether to accept cookies or not. If you do not wish to have cookies placed on your computer, please set your browser preferences to reject all cookies before accessing our website.

However, the department does not attempt to identify you from this information, or to use or disclose this information, unless required by law.

3.3.3 Email

Our internet service provider or information technology staff may monitor email traffic for trouble-shooting and maintenance purposes only. We will not add your name and address details to a mailing list, nor will we disclose these details to third parties without your consent, unless required by law.

3.3.4 Social networking services

The department uses social networking services such as Twitter, Facebook and LinkedIn to communicate with the public about our work. When you communicate with us using these services we may collect your personal information, but we only use it to help us to communicate with you and the public.

The social networking service will also handle your personal information for its own purposes. These services have their own privacy policies. You can access the privacy policies for [Twitter](#), [Facebook](#) and [LinkedIn](#) on their websites.

3.3.5 Camera surveillance systems

The department uses camera surveillance systems in some locations, including at Child Safety Service Centres, communal areas of AS&RS and office locations. Generally, this is done for safety and security reasons. There will be signs advising you if camera surveillance is in use.

If you wish to obtain a copy of footage which may include your image, you should notify the department's Information Access and Amendment Team as soon as possible, as the footage is generally only retained for a short period (e.g. 30 days). After that time, the recording is generally written over and cannot be retrieved.

It is usually necessary to make a formal application under *Right to Information Act 2009* or the IP Act for access to camera surveillance footage. The process for applying for information is discussed below.

4. Use and disclosure of personal information

The department will only use and disclose your personal information for the purpose for which it was collected, unless one of the exceptions applies.

For example, the department may use or disclose your personal information for a different purpose if:

- the information will be used for a purpose that is *directly related* to the purpose for which it was collected, e.g. providing personal information about a child in care to a foster parent to enable proper care of the child
- you have expressly or impliedly consented to the proposed use or disclosure
- the use or disclosure is *authorised or required by law*, e.g. in the investigation of a criminal offence (such as the suspected abuse of a child) or in response to a court subpoena relating to a court action in which the department is involved
- we are satisfied on reasonable grounds that the use or disclosure is necessary to lessen or prevent a *serious threat to the life, health, safety or welfare* of an individual or the public, e.g. giving information about a missing child to the police to help locate the child
- we are satisfied on reasonable grounds that the use or disclosure is necessary for *law enforcement* processes, e.g. to investigate a crime or serious improper conduct
- you are *reasonably likely to have been aware* that it is the department's usual practice to disclose the information because you were told about it in a privacy notice
- the use or disclosure is for *research* in the public interest and certain requirements are met.

4.1 Quality of personal information

To ensure that the personal information we collect is accurate, up-to-date and complete we:

- promptly capture information into our record-keeping systems
- where necessary, confirm the accuracy of information we collect from a third party or another source, and
- add new personal information and update existing records, as appropriate.

5. Security of personal information

All personal information collected is held on servers located in Australia, either on-premise or in dedicated government tenancies in the cloud. We retain effective control over any personal information held on our cloud, and the information is handled in accordance with the Information Privacy Principles.

We take steps to protect the security of the personal information we hold from both internal and external threats by:

- comprehensive information security policies and procedures, awareness campaigns and mandatory staff training
- implementing audit and scanning controls to minimise the risk of information security breaches and detect access to department systems and information using another person's account; viewing, sharing or storing inappropriate material; and using unauthorised devices
- taking measures to address those risks, for example, we keep a record (audit trail) of when someone has added, changed or deleted personal information held in our electronic databases.

We are required to keep records in accordance with Retention and Disposal Schedules, and sometimes those retention periods are very long. However, we destroy personal information in a secure manner when we are authorised to do so.



6. Access and amendment

You can ask for your personal information using one of the department's administrative access schemes, or by making a formal application under the IP Act or RTI Act.

If you believe that the information recorded about you is inaccurate, incomplete, out of date or misleading, you can ask the department to amend it. You can make the request informally or under the IP Act.

These processes are discussed below.

6.1 Administrative access

The department has administrative access schemes which you may be able to use to access your personal information instead of making an application under the IP Act or RTI Act. Details about how to use those schemes are available at [the department's website](#).

When you ask for access to information, we require evidence of your identity to ensure that your personal information is not disclosed inappropriately.

However, sometimes administrative access will not be appropriate, for example, if information about other people is recorded with your information. In such cases, a formal application under the RTI or IP Act may be required because the documents will have to be redacted to remove third party information.

6.2 Formal applications for access

There are no application fees or charges for access to personal information under the IP Act

If you want information about someone else, or information which is not your personal information, you must apply under the RTI Act, and an application fee will apply. There may also be processing and access charges.

For an application for access to be valid it **must**:

- be made in the prescribed form, either online (see link below) or in hard copy
- give enough information about the document/s you are seeking to enable the documents to be identified
- be accompanied by evidence of your identity
- provide an address (not email) to which notices under the IP Act can be sent.

You may apply directly to the department by downloading the [Right to Information and Information Privacy access application form](#) and sending it to the Information Access and Amendment Unit (contact information below). Alternatively, you can apply using the Queensland Government's [online application for access form](#).

Where documents contain your personal information, you must provide evidence of your identity, to ensure that your information is not disclosed to anyone else. Include certified copies of identification documents with your access application.



6.3 Correcting your personal information

If you believe that the information the department holds about you is incorrect, misleading, incomplete, or out of date, you may ask for it to be amended. Alternatively, you can apply for amendment under the IP Act, using the [Personal Information Amendment Application](#) form.

6.4 More information

More information about how to apply for access to or amendment of your personal information is available on the [department's website](#).

Alternatively, the department's Information Access and Amendment Unit can advise you about how to apply for access to your personal information (contact details on last page).

7. Privacy breaches and complaints

The department has strong privacy and security processes to protect your information. However, a privacy breach may occur if personal information is not handled in accordance with the IP Act. Privacy breaches generally involve unauthorised access, use or disclosure of personal information.

A person who believes that their personal information has not been handled in accordance with the IP Act may make a **privacy complaint**.

7.1 What does the department do if there is a privacy breach?

If the department becomes aware of a possible privacy breach, it immediately takes steps to:

- contain the breach
- evaluate the risks associated with the breach
- assess whether affected persons should be notified, and
- review what occurred and what action can be taken to prevent it happening again.

7.2 Complaint and review procedures

If you believe that the department has not dealt with your personal information in accordance with the IP Act, you may contact the Complaints team (contact details below) to discuss your concerns or make a privacy complaint.

7.2.1 Making a privacy complaint

Generally, the department will only accept privacy complaints which are made within 12 months after you become aware of the matters you want to make a complaint about.

You can use the [Privacy complaint form](#) to make a complaint. We may require evidence of your identity (if we cannot verify it from information available to us), to ensure that your personal information is not used or disclosed inappropriately.



Privacy complaints should be marked 'Private and confidential' and forwarded to the address below. There is more information about the department's complaint process on our [website](#).

7.2.2 Complaints to the Office of the Information Commissioner

You may make a privacy complaint to the Office of the Information Commissioner (OIC) if:

- at least 45 business days have passed since you complained to the department, and
- you have not received a response, or you have received a response but consider it is not an adequate response.

The OIC will not deal with your complaint unless you have first made a complaint to the department.

A complaint to the OIC must be made in writing, state an address to which notices can be sent, and give particulars of the act or practice complained of. If the matter is suitable for mediation, the OIC will take steps to resolve the matter.

Details about the Information Commissioner's privacy complaints process is available on OIC's [website](#).

7.2.3 Complaints to the Queensland Civil and Administrative Tribunal

If you are not satisfied with the outcome of the OIC mediation process, you may ask the OIC to refer the matter to the Queensland Civil and Administrative Tribunal (QCAT) for decision.

QCAT has published information about its privacy jurisdiction at [Right to information and privacy jurisdictions of QCAT](#).

8. Contact details

Information Privacy

Telephone: (07) 3097 5609

Email: privacy@dcssds.qld.gov.au

Post: Information Privacy and Governance
Department of Families, Seniors, Disability Services and Child Safety
Locked Bag 3405
Brisbane QLD 4001

Information access and amendment

Telephone: (07) 3097 5605 or
1800 809 078 (Free call)

Email: rti@dcssds.qld.gov.au

Post: Information Access and Amendment
Department of Families, Seniors, Disability Services and Child Safety
Locked Bag 3405
Brisbane QLD 4001

Title: Privacy Guide
Author: RTI, Privacy, Records Management & Redress Branch



Complaints Unit

Telephone: 1800 080 464

Email: feedback@dcssds.qld.gov.au

Post: Complaints Unit
Department of Families, Seniors, Disability Services and Child Safety

Locked Bag 3405
Brisbane Qld 4001

Appendix 1

Child and family services (adoption, child protection, family support, foster care)

Child and family services leads and facilitates the delivery of family support, child protection and adoption services. It provides services that support families to safely care for their children. It delivers these services directly and through funded non-government organisations.

Child Safety Services is dedicated to protecting children and young people who have been harmed or are at risk of harm and do not have a parent or carer able and willing to protect them from harm. The department's role in protecting children and young people is to:

- investigate concerns that a child or young person has been harmed or is at risk of significant harm
- provide ongoing services to children and young people who are experiencing, or are at risk of experiencing, significant harm.

The department also provides out-of-home care and adoption services for children and young people not able to be cared for by their families.

Office of the Child and Family Official Solicitor

The Office of the Child and Family Official Solicitor (OCFOS) is an in-house legal unit within the department.

Key responsibilities of OCFOS include:

- providing high quality legal advice and support to child safety service centres (CSSCs) in relation to the chief executive's statutory functions relating to the protection of children
- applying for emergency orders such as temporary assessment orders (TAO), court assessment orders (CAO) and temporary custody orders (TCO). This may include assisting to prepare applications, preparing submissions and appearing on matters, preparing case outlines, and assisting with appeals
- working with CSSCs to prepare briefs of evidence for child protection matters that are being referred to the Director of Child Protection Litigation (DCPL)
- working in partnership with the DCPL to prepare matters for filing in the Children's Court and in the on-going review and management of those matters.

Seniors

The Government's strategic direction statement, [Queensland: an age-friendly community](#), outlines the approach to achieving its vision of a thriving community where the contributions of seniors are valued and older people are able to lead healthy and productive lives in work, volunteering or retirement.

The department works with other Queensland Government agencies to implement a range of age-friendly initiatives outlined in the strategy's [Action Plan](#) focusing on the opportunities and challenges of our ageing population and older people's issues. Those initiatives include:

- Queensland Government website for older people

- Seniors enquiry line and referral service
- Time for Grandparents information, respite and support
- Seniors card offering discounts on a wide range of goods, services and concessions
- Elder Abuse Prevention Unit providing a statewide telephone information support and referral service
- Seniors legal and support services, including free legal and social support services for seniors concerned about elder abuse, mistreatment and financial exploitation
- Social connection programs and activities with a focus on healthy lifestyle options, reducing social isolation and strengthening personal and community connectedness
- Council on the Ageing (COTA) Queensland, the Queensland Seniors Peak Service to provide information on seniors' programs and services, work with other non-government organisations to improve the quality of services for older people, and provide advice to government on seniors' issues.

Disability Services

The National Disability Insurance Scheme (NDIS) is now fully operational in Queensland and provides people with permanent and significant disability with reasonable and necessary supports to help them achieve their goals. After commencement of the NDIS, the Queensland Government's traditional role in disability services shifted to **supporting and advocating** for people with disability, working in partnership with the disability sector to create an all-abilities Queensland and monitoring the NDIS to ensure it delivers the outcomes we all expect for Queenslanders with disability.

- *Australia's Disability Strategy 2021–2031* aims to improve the lives of Australians with disability – including almost 1 in 5 Queenslanders. The Strategy will drive initiatives to ensure greater inclusion and participation of people with disability in all areas of life including employment, housing, education and health and wellbeing.
- The Queensland Government has implemented a State Disability Plan to ensure that the voices of Queenslanders with disability are heard, they have access to employment opportunities, and are supported to participate fully in their communities.
- The Queensland Disability Advisory Council is a key channel for independent advice to the Minister on a range of disability and related matters that affect the broader community. The council is representative of the community and is comprised mainly of people with lived experience of disability.
- The department operates Accommodation Support and Respite Services (AS&RS), offering supports with daily living for people with a primary diagnosis of an intellectual disability who have standard or high-support needs, to enable them to live as independently as possible.

In February 2021, a new nationally consistent **worker screening system** commenced in Queensland, operated by the department. All newly engaged workers need a disability worker screening check if they are engaged by a NDIS registered provider in a risk assessed role, or a state-funded provider delivering disability supports or services.

The Forensic Disability Service (FDS) is a purpose built, medium security facility located at Wacol operated by the department. The service cares for and supports up to 10 adults with an intellectual disability or cognitive impairment who have been detained to the service on forensic orders (disability).

A guide dog, hearing dog or assistance dog is specially trained to perform specific physical tasks and behaviours to assist a person with a disability and reduce their need for support to promote independence for the person to participate in the community. The department oversees the implementation of the *Guide, Hearing and Assistance Dogs Act 2009*, ensuring that everyone who relies on a certified guide, hearing or assistance dog has the same access rights as others to public places and public passenger vehicles.

National Redress scheme

The National Redress Scheme was established in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Commonwealth Government coordinates applications for redress under the scheme and sends requests for information to the department where it is named as the responsible institution. The department collates information from its records and prepares a response to the Commonwealth.

The department is also the central contact point for the Queensland Government, so it may also receive requests for information directed to other Queensland Government agencies. This occurs when the other agency has been named as a responsible institution or the department believes that the other agency holds information relevant to responding to a request for information from the Commonwealth. In those situations, the department coordinates the responses from the other agency and provides them to the Commonwealth.

The department may also be responsible for providing a direct personal response to applicants and facilitating counselling for applicants who choose these options.

Corporate services

Corporate services supports the delivery of these services by providing strategic leadership and direction for the department's corporate systems, policies, and practices.

Corporate Services supports departmental staff by:

- delivering learning and development opportunities
- equipping them with better technologies
- running effective financial, funding and procurement, and human resource systems
- providing legal services and advice
- reporting and analysing data
- undertaking audit, compliance, and other reviews
- handling complaints, investigations, and information access requests, and
- managing our facilities and delivering our capital projects.