



**Gladstone Area  
Water Board**

# **GLADSTONE AREA WATER BOARD PRIVACY PLAN**

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## 1. Introduction

This privacy plan has been approved by the Chief Executive of the Gladstone Area Water Board (GAWB).

The Queensland Government has introduced the Information Privacy Act, 2009 that applies to the Queensland public sector. The Privacy Act (the Act) provides safeguards for the handling of personal information in the public sector environment and to allow access to and amendment of personal information.

Obligations about the collection, use, storage and disclosure of personal information are provided in the Information Privacy Act, 2009 under Schedule 3: Information Privacy Principles. The Act provides a new complaint mechanism for any act or practice that is a breach of the Information Privacy Principles (IPP).

This plan aims to assist the public in understanding how personal information is managed within GAWB and how they can seek assurance that their personal information is maintained in accordance with the Information Privacy Act, 2009.

It also serves as guidance for GAWB employees who deal with personal information and will provide a strategic overview for achieving compliance with the Information Privacy Act, 2009.

## 2. Personal Information

### 2.1. What is personal information?

Personal information is defined as any information that would allow a person to be identified. The Act defines personal information 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, including sensitive information such as political and religious beliefs, medical records, disabilities and sexual preferences. E.g. person's name and address, signature, email address, date of birth, drivers licence number, physical characteristics such as height, birthmarks, tattoos, and psychological profiles.

### 2.2. What is not personal information?

Personal information does not apply to information in publications that are generally available. Generally available publications include documents such as magazines, books, a newsletter or a newspaper article, annual reports and the Queensland Government Gazette.

### 2.3. Exempt personal information

Personal information arising from the following activities are exempt from the Information Privacy Act, 2009:

- Covert activity
- Witness protection
- Disciplinary actions and misconduct

- Whistleblowers
- Cabinet and executive council documents
- Commissions of inquiry
- Other
  - Additionally, the IPP's do not apply where the:
    - Authority to collect, use, store and disclose personal information has an overriding statutory base;
    - Personal information concerns a deceased person; and
    - Personal information is in a publicly available document.

### **3. Summary of the Information Privacy Principles**

GAWB must comply with the 11 Information Privacy Principles as contained in Schedule 3 of the Information Privacy Act, 2009. These principles have been adapted from the Commonwealth's Privacy Act 1988.

The IPP's are attached to this document as Appendix A.

#### **3.1. Information Privacy Principles (IPPs)**

- Principle 1: Collection of personal information (lawful and fair)
- Principle 2: Collection of personal information (requested from individual)
- Principle 3: Collection of personal information (relevance, etc)
- Principle 4: Storage and security of personal information
- Principle 5: Providing information about documents containing personal information
- Principle 6: Access to documents containing personal information
- Principle 7: Amendment to documents containing personal information
- Principle 8: Checking of accuracy, et. Of personal information before use
- Principle 9: Use of personal information only for relevant purpose
- Principle 10: Limits on use of personal information
- Principle 11: Limits on disclosure of personal information

### **4. Privacy Contact Officer and information privacy enquiries**

Overall responsibility for meeting GAWB's information privacy obligations rests with the Chief Executive Officer. Those responsibilities entail:

- approving the privacy plan
- overseeing implementation of the privacy plan
- overseeing the annual review of the privacy plan and approving changes to the plan.

The responsibility for day-to-day management of privacy activities has been delegated to GAWB's Privacy Contact Officer who is the first point of contact for dealing with all enquiries on information privacy matters concerning GAWB. The Privacy Contact Officer is the Corporate Secretary who can be contacted (during business hours) as follows:

- Telephone: (07) 49 76 3000
- Fax (07) 49 72 5632
- E-mail [gawb@gawb.qld.gov.au](mailto:gawb@gawb.qld.gov.au)
- Post PO Box 466 Gladstone Q 4680

## 5. Acts Administered by GAWB

The Gladstone Area Water Board (GAWB) does not administer any legislation and is governed by the *Water Act 2000*. The following legislative requirements on GAWB relating to personal information might, in some situations, take precedence over the IPPs.

- *Right to Information Act 2009*
- *Public Records Act 2002*
- *Public Sector Ethics Act 1994*
- *Whistleblowers Protection Act 1994*

## 6. Information held by GAWB

GAWB is constituted by three business units, and the personal information collected for each is as follows.

### **Office of the Chief Executive**

The Office of the Chief Executive manages GAWB's operations in accordance with Board approved policies and strategies and is also responsible for the administration of GAWB's human resource performance management, remuneration framework, compliance regime, legislated reporting framework, internal governance processes and workplace health and safety practices across the organisation as well as community relations.

### ***Community Relations***

Personal information is collected, such as names and contact information of customers and community members to enable it carry our community relations initiatives as well as consulting services including corporate and professional advice.

### ***Human Resource Performance Management***

Records are collected in relation to personnel performance appraisals, personal development and training, trade, skill and aptitude tests, personal welfare matters and education.

### ***Remuneration Framework***

Names, contact and banking details are collected for employees under the payroll function and under authorisation by employees, forwards deductions and subscriptions to third parties along with accompanying details including the employee's name. Records may include details about recruitment, character checks, security clearances and criminal history checks.

***Workplace Health and Safety***

Personal information collected in relation to staff may relate to accidents, injuries (including compensation and rehabilitation), counseling and discipline matters.

**Operations Unit**

This unit manages the effective operations of the Awoonga Dam, water treatment plants, delivery network and associated infrastructure and the recreational facilities and activities associated with the dam.

An emergency contact directory is maintained for implementing GAWB's emergency action plan as well as a complaints database, both includes names and contact details of the contacts and complainants. The operations and maintenance function requires communication and interactions with outside agencies on a regular basis.

Operations are also responsible for the development of infrastructure for both current and future operational requirements. This involves tendering activities where third party information is collected.

Personal information, such as third party contact details relating to tenders and contracts is collected.

**Commercial Unit**

The Commercial Business Unit is responsible for GAWB's:

- effective management of financial resources;
- obligations arising from its economic regulation and delivery of legal services;
- information systems management; and
- management of landholdings and operation of the fish hatchery.

***Finance*** collects personal information such as names and contact details for accounts payable and receivable, consulting services including finance and professional advice,

***Commercial and Legal*** collects personal information such as names and contact details for major customers as well as consulting services contacts including corporate and professional advice received.

***Information Systems*** do not specifically collect or use personal information however personal information is accessible by this area because of the functions it performs.

**Landholdings** collate information to facilitate GAWB's lessees, agistees and property rental and environmental activities and GAWB holds personal information relating to these activities.

## 7. Third Parties

Several third party commercial arrangements are held by GAWB which include operation and maintenance contracts and infrastructure agreements. Personal information exchange made available through these arrangements is limited to names and contact details of parties to the agreements

With regard to its employees, GAWB is involved in the exchange of personal information with the Capricorn Helicopter Rescue Service, and this information is only passed on with the consent of the employee.

GAWB also provides information, as required by law to third parties such as Centrelink.

## 8. Access to Personal Information

Individuals are entitled to access and request amendment of their personal information held by GAWB, by applying in writing to the:

Privacy Officer  
Gladstone Area Water Board  
PO Box 466  
GLADSTONE Qld 4680

Under the Information Privacy Act, 2009, there are controls on how personal information is managed. The rights of access and amendment are dealt with IPP 6 and 7. Those rights are confined to the person to whom the personal information directly and personally relates.

IPP6 provides that a person is entitled to access any record that contains their personal information except where access is restricted by any law.

IPP7 provides that a person is entitled to seek an amendment of any record that contains their personal information that is misleading, irrelevant, no up-to-date or incomplete.

Applications for access and requests for amendment must contain applicant's contact details and relevant information to support the request. Applications will be dealt with in accordance with the principles of the *Right to Information Act 2009*. Verbal and email applications and requests are not accepted.

If an individual wishes to lodge a complaint about their personal information not being dealt with in accordance with an Information Privacy Principle, a written

complaint (not verbal or email) must be made within twelve months from the date of the breach. Complaints will be acknowledged in writing and investigated within 25 business days of receiving the complaint. Applicants will be advised in writing of the outcome of the investigation.

Complaints should be forwarded to:

Corporate Secretary  
Gladstone Area Water Board  
PO Box 466  
GLADSTONE QLD 4680

If an applicant does not agree with the outcome, an internal review may be requested within 20 business days after the date of the written notice of the decision. An internal review is to be done within 20 business days by a more senior officer who has not previously been involved in the matter. A written response will be provided by the Chief Executive Officer.

## **9. Audit**

This Privacy Plan will be assessed as required by the Privacy Act, 2009, Section 135 – Performance monitoring and support functions.

## **10. Review**

The plan will be reviewed annually by the CEO to ensure it remains consistent with the Act's authority and objectives.

All amendments to the plan will be discussed and approved by the CEO.

## Appendix A - Information Privacy Principles

### The Information Privacy Principles (IPPs)

There are 11 Information Privacy Principles (the IPPs) set out in Schedule 3 of the Information Privacy Act, 2009. The IPP's:

- regulate the way Queensland public sector agencies are to collect, store, use and disclose personal information about individuals;
- allow individuals access to information that agencies keep about them; and
- allow individuals to request changes or amendments to this information.

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### The IPPs

#### ***IPP 1—Collection of personal information (lawful and fair)***

1. An agency must not collect personal information for inclusion in a document or generally available publication unless—
  - (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
  - (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
2. An agency must not collect personal information in a way that is unfair or unlawful.

#### ***IPP 2—Collection of personal information (requested from individual)***

1. This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
2. However, this section applies only if the agency asks the individual the subject of the personal information for either—
  - (a) the personal information; or
  - (b) information of a type that would include the personal information.
3. The agency must take all reasonable steps to ensure that the individual is generally aware of—
  - (a) the purpose of the collection; and
  - (b) if the collection of the personal information is authorised or required under a law—
    - (i) the fact that the collection of the information is authorised or required under a law; and
    - (ii) the law authorising or requiring the collection; and
  - (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the ***first entity***)—the identity of the first entity; and

- (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the *second entity*)—the identity of the second entity.
- 4. The agency must take the reasonable steps required under subsection (3)—
  - (a) if practicable—before the personal information is collected; or
  - (b) otherwise—as soon as practicable after the personal information is collected.
- 5. However, the agency is not required to act under subsection (3) if—
  - (a) the personal information is collected in the context of the delivery of an emergency service; and
  - (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
  - (c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

***IPP 3—Collection of personal information (relevance etc.)***

- 1. This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- 2. However, this section applies to personal information only if the agency asks for the personal information from any person.
- 3. The agency must take all reasonable steps to ensure that—
  - (a) the personal information collected is—
    - (i) relevant to the purpose for which it is collected; and
    - (ii) complete and up to date; and
  - (c) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

***IPP 4—Storage and security of personal information***

- 1. An agency having control of a document containing personal information must ensure that—
  - (a) the document is protected against—
    - (i) loss; and
    - (ii) unauthorised access, use, modification or disclosure; and
    - (iii) any other misuse; and
  - (b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
- 2. Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

***IPP 5—Providing information about documents containing personal information***

- 1. An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—
  - (a) whether the agency has control of any documents containing personal information; and
  - (b) the type of personal information contained in the documents; and
  - (c) the main purposes for which personal information included in the documents is used; and

- (d) what an individual should do to obtain access to a document containing personal information about the individual.
2. An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

***IPP 6—Access to documents containing personal information***

1. An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
2. An agency is not required to give an individual access to a document under subsection (1) if—
  - (a) the agency is authorised or required under an access law to refuse to give the access to the individual; or
  - (b) the document is expressly excluded from the operation of an access law.

***IPP 7—Amendment of documents containing personal information***

1. An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—
  - (a) is accurate; and
  - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
2. Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
3. Subsection (4) applies if—
  - (a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
  - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
4. The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

***IPP 8—Checking of accuracy etc. of personal information before use by agency***

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

***IPP 9—Use of personal information only for relevant purpose***

1. This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
2. The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

***IPP 10—Limits on use of personal information***

1. An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless—
  - (a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
  - (b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
  - (c) use of the information for the other purpose is authorised or required under a law; or
  - (d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency—
    - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
    - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
    - (iii) the protection of the public revenue;
    - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
    - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
  - (e) the other purpose is directly related to the purpose for which the information was obtained; or
  - (f) all of the following apply—
    - (i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
    - (ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
    - (iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.
2. If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

#### ***IPP 11—Limits on disclosure***

1. An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the ***relevant entity***), other than the individual the subject of the personal information, unless—
  - (a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
  - (b) the individual has expressly or impliedly agreed to the disclosure; or
  - (c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
  - (d) the disclosure is authorised or required under a law; or

- (e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—
    - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
    - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
    - (iii) the protection of the public revenue;
    - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
    - (vi) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
  - (f) all of the following apply—
    - (i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
    - (ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
    - (iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
    - (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
2. If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.
  3. If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.
  4. The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that—
    - (a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
    - (b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
    - (c) the individual has not made a request mentioned in paragraph (b); and
    - (d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
    - (e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.

## Appendix B - Definitions, Acronyms & Abbreviations

|                                 |  |
|---------------------------------|--|
| Agency                          | <p>means:</p> <ul style="list-style-type: none"> <li>• A minister; or</li> <li>• A department; or</li> <li>• A local government; or</li> <li>• A public authority</li> </ul> <p>A board, council committee, subcommittee or other body established by government to help, or to perform functions connected with, an agency is not a separate agency, but is taken to be comprised within the agency</p>   |
| Consent                         | Means express consent or implied consent.  |
| Control                         | An entity has a document under its control if the entity has the document in its possession or otherwise has the document under its control.   |
| Disclose                        | <p>An entity (the first entity) discloses personal information to another entity (the second entity) if:</p> <ol style="list-style-type: none"> <li>(a) The second entity does not know the personal information, and is not in a position to be able to find it out; and</li> <li>(b) The first entity gives the second entity the personal information, or places it in a position to be able to find it out; and</li> <li>(c) The first entity ceases to have control over the second entity in relation to who will know the person information in the future</li> </ol> |
| Generally available publication | Means a magazine, book, newspaper or other publication (however published) that is or will be generally available to members of the public.  |
| Individual                      | Means a natural person   |
| GAWB                            | Gladstone Area Water Board   |
| Individual the subject of       | In relation to personal information or a record of personal information, means the individual to whom the information relates.   |
| IPP                             | Means any of the Information Privacy Principles set out in Schedule 3 of the Information Privacy Act, 2009.  |
| Personal Information            | 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.

Record

means:

- a document; or
- a database (however kept); or
- a photograph or other pictorial representation of a person; but does not include:
  - a generally available publication; or
  - anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or
  - public records as defined by subsection 2(2) of the *Libraries and Archives Act 1988* that are in the open access period as defined in the regulation to that Act; or
  - letters or other articles in the course of transmission by post.

Use

An entity uses personal information if it-

- (a) Manipulates, searches or otherwise deals with the information; or
- (b) Takes the information into account in the making of a decision; or
- (c) Transfers the information from a part of the entity having particular functions to a part of the entity having different functions.

## Appendix C - Documents to which the privacy principles do not apply

### 1. Covert activity

A document to the extent it contains personal information—

- (a) arising out of, or in connection with, a controlled operation or controlled activity under the *Police Powers and Responsibilities Act 2000* or the *Crime and Misconduct Act 2001*; or
- (b) arising out of, or in connection with, the covert undertaking of an operation, investigation or function of a law enforcement agency; or
- (c) obtained under a warrant issued under the *Telecommunications (Interception and Access) Act 1979* (Commonwealth).

### 2. Witness protection

A document to the extent it contains personal information about a person 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.

### 3. Disciplinary actions and misconduct

A document to the extent it contains personal information arising out of—

- (a) a complaint under the *Police Service Administration Act 1990*, part 7; or
- (b) a complaint, or an investigation of misconduct, under the *Crime and Misconduct Act 2001*.

### 4. Whistleblowers

A document to the extent it contains personal information—

- (a) contained in a public interest disclosure under the *Whistleblowers Protection Act 1994*; or
- (b) that has been collected in an investigation arising out of a public interest disclosure under the *Whistleblowers Protection Act 1994*.

### 5. Cabinet and Executive Council

A document to the extent it contains personal information that is also the subject of the Right to Information Act, schedule 3, section 1, 2 or 3.

### 6. Commissions of inquiry

A document to the extent it contains personal information arising out of a commission of inquiry.

### 7. Other

A document that is—

- (a) a generally available publication; or
- (b) kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or
- (c) a public record under the *Public Records Act 2002* in the custody of Queensland State Archives that is not in a restricted access period under that Act; or
- (d) a letter, or anything else, while it is being transmitted by post.