



**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 developed a privacy policy that applies to the Queensland public sector. The privacy policy requires personal information held by Queensland Government agencies, including GAWB to be responsibly and transparently collected and managed in accordance with 11 Information Privacy Principles (IPPs).

The privacy policy is not contained in legislation, but has been introduced administratively through an Information Standard 42 (IS 42) which contains the IPPs. Many of the obligations in IS 42 are consistent with the ethical and legal obligations to which members, staff and contractors of GAWB are already subject under its enabling legislation and other legislation, including the *Public Service Act 1996*, *Public Sector Ethics Act 1994* and the *Financial Administration and Audit Act 1977*.

IS 42 requires GAWB to prepare a privacy plan which is approved by its Chief Executive Officer.

IPP 5 sets out what the plan must contain, namely:

- 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
- the steps that should be taken by persons wishing to obtain access to that information.

These are minimum requirements. GAWB's plan also provides other helpful information to best ensure it meets its purpose. The purpose of GAWB's privacy plan is to provide:

- the public with details about the types of personal information held by GAWB;
- individuals with details about how they can access their personal information that is held by GAWB;
- details of how GAWB will implement the privacy policy; and
- guidance to GAWB directors, staff and contractors on dealing with personal information.

The planned actions address the requirements set out in IS42 to:

1. review personal information collections to assess their current and ongoing compliance with IS 42
2. develop a privacy and security statement for GAWB's internet site (as required by IS 42 and the associated *Information Privacy Guidelines*)
3. develop a privacy procedure framework for GAWB
4. introduce formal complaint-handling mechanisms (as required by IS 42 and the associated *Information Privacy Guidelines*)
5. undertake staff training and communication on privacy

6. undertake ongoing review of developments implicating GAWB's operations to ensure continued compliance with IS 42.

2. 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 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
- Post PO Box 466 Gladstone Q 4680

3. Key features of the Queensland Government's Privacy policy

IS 42 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."

The information does not have to expressly identify a person. It only needs to provide sufficient information to lead to the identification of a person. It is not limited to confidential or sensitive personal information. Examples of personal information include a person's name, address, date of birth or phone number. IS 42 covers information held in paper or electronic records and may extend to body samples or biometric data.

Information Privacy Principles (IPPs)

The 11 IPPs are a set of directions that Government agencies must adopt and follow when collecting, handling, using and disclosing personal information about people mentioned in the Department's records. The full text of the IPPs is set out in Appendix A to this Plan.

The IPPs in brief:

- IPPs 1, 2 and 3 deal with what personal information may be collected, the way it is collected and what notices must be given to the person from whom the information is collected.
- IPPs 4 and 5 deal with requirements for ensuring that personal information is stored securely and protected from loss, unauthorised access, use, modification, disclosure or misuse.
- IPPs 6 and 7 deal with individuals obtaining access to and correcting the personal information held by departments and agencies.
- IPPs 8, 9, 10 and 11 deal with how personal information is used and disclosed by departments and agencies

4. 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.

- *Freedom of Information Act 1992*
- *Public Records Act 2002*
- *Public Sector Ethics Act 1994*
- *Whistleblowers Protection Act 1994*

5. Information held by GAWB

Gladstone Area Water Board is constituted by four business units, and the personal information collected for each is as follows.

Executive

This area is responsible for GAWB's corporate service functions including board, secretariat, corporate governance, community relations, HR, insurance and risk management.

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.

Operations

This section is responsible for identifying and developing major business opportunities, operations and maintenance of infrastructure as well as ensuring water quality integrity through planning and monitoring programs.

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.

Corporate Services

GAWB's Corporate Services business unit is responsible for the environmental integrity of Awoonga Dam and associated areas through a combination of planning, monitoring and enhancement programs. The management and responsibility of GAWB's Awoonga Dam, Hatchery and Compliance is also within this section's responsibility.

Names and contact information is collated to facilitate GAWB's lessees, agistees and property rental and environmental activities and GAWB holds personal information relating to these activities.

Commercial

The Commercial Business Unit is responsible for GAWB's:

- Financial functions, including financial data, commercial returns, and payroll as well as purchasing and supply functions.
- Commercial and legal functions, including contractual and pricing issues.
- All information technology support.

Finance collects personal information such as names and contact details for accounts payable and receivable, consulting services including finance and professional advice, as well as names, contact and banking details for employees under the payroll function. This section, under authorisation by employees, forwards deductions and subscriptions to third parties along with accompanying details including the employee's name.

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.

6. 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.

7. Access to Personal Information

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

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

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 *Freedom of Information Act 1992*. Verbal and email applications and requests will not be 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 six months from the date of the breach. Complaints will be acknowledged in writing and investigated within 60 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. An internal review is to be done within 45 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.

8. Audit

This Privacy Plan will be reviewed as required by IS 42.

Appendix A - Information Privacy Principles

The Information Privacy Principles (IPPs)

There are 11 Information Privacy Principles (the IPPs) set out in Information Standard 42, *Information Privacy*. The IPPs:

- 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.

Information Standard 42 also contains details of exemptions to the privacy regime. Reference should be made to Section 1.2 of that Standard for details on these exemptions.

The IPPs

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.

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 recordkeeper;
 - 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.

Information Privacy Principle 6

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 7

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
 - (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.

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.

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.

Appendix B - Definitions, Acronyms & Abbreviations

Collector	Where an agency collects personal information the agency is regarded as the collector in relation to that information where personal information is collected by an individual in the course of their employment by, or in the service of, an agency then the agency is regarded as the collector in relation to that information
Consent	Means express consent or implied consent.
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 concerned,	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 Section 3 of this Information Standard.
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: <ul style="list-style-type: none">• a document; or• a database (however kept); or• a photograph or other pictorial representation of a person; but does not include:<ul style="list-style-type: none">• 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 <i>Libraries and Archives Act 1988</i> 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.

The following personal information is exempt from Information Standard No. 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;
- 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;

Disciplinary actions and misconduct

- Personal information about an individual arising out of a complaint made under Part 7 of the *Police Service Administration 1990*;
- 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; 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* (i.e. Cabinet and Executive Council documents).

Commissions of Inquiry

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

Solicit

In relation to personal information, means request a person to provide that information, or a kind of information in which that information is included.

Use

In relation to personal information, does not include mere disclosure of the information, but does include the inclusion of the information in a publication.

A note about “Personal Information” and “Generally Available Publications”

Information Standard 42, *Information Privacy* defines “personal information” for the purposes of all IPPs other than IPPs 6 and 7 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”.

“Individual” means a natural person; that is, a living person. Although personal information about dead people is not technically considered to be personal information, agencies are encouraged to respect the sensitivities of family members when using or disclosing it.

With the exception of IPPs 1-3 (the collection principles), the IPPs only use the term “record”. “Record” in Information Standard 42 excludes a generally available publication. “Generally available publications” include things like magazines, books, newspapers, annual reports, and the Queensland Government Gazette, and public databases (such as the publicly available parts of electoral rolls) that are considered to be generally available to the public.