

QUEENSLAND FIRE AND EMERGENCY SERVICES

PRIVACY MANAGEMENT POLICY

1. INTRODUCTION

1.1 Overview

Privacy is an important issue for both the public and private sector. The increasing growth in business and computer technology makes information sharing about individuals easier and more comprehensive than ever before. The ease with which personal information can be accessed and brought together can affect the privacy of individuals.

Information Privacy is about protecting the personal information of individuals. The *Information Privacy Act 2009* (IP Act) sets out the ways in which Queensland Government agencies must handle personal information and also provides individuals with access and amendments rights to their own personal information.

Eleven Information Privacy Principles (IPPs), contained within the IP Act, govern the way Queensland government agencies collect, store, access and use personal information. The eleven IPPs contained in Schedule 3 of the IP Act are reproduced in the attachment of this policy.

This document is designed to meet the obligations of Queensland Fire and Emergency Services (QFES) under IPP5, and aims to provide information about:

- the department's structure and functions;
- the types of personal information collected and held by the department;
- the purposes for which personal information is collected, held and used by the department; and
- how a person may access or amend their own personal information;

The Privacy Management Policy also details the approach QFES will take to manage personal information in accordance with the IP Act, policies and procedures. Contractors and consultants engaged by QFES are also required to comply with the IPPs.

This Policy is to be read in conjunction with the:

- *The Information Privacy Act 2009*
- *The Information Privacy Regulation 2009*

This policy is not intended to cover QFES' handling of commercially sensitive information or other information that is not personal information.

1.2 Queensland Fire and Emergency Services

QFES sits within the public safety portfolio, under the Minister for Police, Fire and Emergency Services and Minister for Corrective Services. The portfolio also contains the Office of the Inspector-General Emergency Management; the Public Safety Business Agency; and the Queensland Police Service. The portfolio structure is designed to support an integrated and collaborative approach to service delivery.

QFES is the primary provider of fire and emergency services in Queensland. Through Service Agreements, QFES also supports other emergency response volunteer organisations/agencies including Surf Life Saving Queensland, Royal Life Saving Society Queensland, Australian Volunteer Coast Guard Association and Volunteer Marine Rescue Association Queensland.

QFES is divided in to three specialist areas, these are:

- **Operations and Emergency Management (OEM) Division** is responsible for ensuring the response capacity of QFES operational staff in emergent situations as legislated in the *Fire and Emergency Services Act 1990*. OEM provides sustainable leadership and direction through the coordination of emergency management and fire and rescue operational activities. The Division is comprised of skilled fire and emergency management professionals within regions and state wide, working in partnership with local government and communities to improve resilience and enhance operational capacity during times of emergency.
- **Capability and Performance (CP) Division** is responsible for leading the strategic framework and vision driving performance and integrated capability across QFES. The CP Division works closely with our portfolio partners to ensure the planning, policy and capability of our people, services and equipment are at their optimum in readiness for service delivery to the communities of Queensland. Specialist services such as Fire Communications, Community Safety, Fire Investigation, Swift Water Rescue and BA HazMat are integral elements of the CP Division.
- **Emergency Services Volunteers (ESV) Division** is responsible for providing overall strategic leadership, direction and support to the Rural Fire Service, the State Emergency Service and other volunteer groups involved in emergency response. The Division works in partnership with local government to develop management and volunteer capability, and through the provision of high quality services, support and advice, ensures safer and more resilient communities across Queensland, which includes the provision of operational and volunteering support services supporting a unique mix of over 35,000 Rural Fire Service volunteers and approximately 6000 State Emergency Service volunteers, which includes the provision of operational and volunteering support services supporting a unique mix of over 35,000 Rural Fire Service volunteers and 6000 State Emergency Service volunteers.

2. ROLES AND RESPONSIBILITIES UNDER THIS POLICY

2.1 All Staff

Be aware of the Privacy Management Policy so they are aware of their responsibilities when managing personal information.

2.2 Managers of databases

Must ensure that the information collected is accurate and only used for the purpose for which it was collected. Any person responsible for managing a database containing personal information must be aware of and comply with the:

- Privacy Policy; and
- Information Security Policies.

2.3 Privacy Officer

The Privacy Officer of Queensland Fire and Emergency Services is responsible for:

- investigating and responding to privacy enquiries relating to QFES;
- monitoring and reviewing legislative changes and court/tribunal outcomes which may have relevance to the management of personal information by QFES;
- providing advice and training on privacy legislation and personal information; and
- liaising with the Privacy Commissioner implementing any instructions or requests from the Privacy Commissioner and undertaking any reporting required by the IP Act.

3. PERSONAL INFORMATION

Personal information is defined in 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.

Examples of personal information include a person's name and address, date of birth, physical characteristics including height, birthmarks and tattoos.

Personal information may be stored on a variety of media such as paper, electronic databases, photographic and video image, audiotape, digital form, and may also extend to body samples and biometric data.

Personal information, within the meaning of the IP Act, does not apply to information in publications that are generally available to the public. Generally available publications include magazines, books, a newsletter or newspaper article, annual reports and the Queensland Government Gazette.

Information about a deceased person is not considered personal information for the purpose of the IP Act.

3.1 Exempt Personal Information

Disciplinary actions and misconduct

Personal information about an individual arising out of an investigation of corruption under the *Crime and Corruption Act 2001*.

Public Interest Disclosure

Personal information about an individual that is contained in a public interest disclosure within the meaning of the *Public Interest Disclosure Act 2010* or that has been collected in an investigation arising out of a public interest disclosure under the *Public Interest Disclosure Act 2010*.

Cabinet and Executive Council documents

A document to the extent it contains personal information that is also the subject of the *Right to Information Act 2009* (RTI Act), schedule 3, section 1, 2 or 3.

Commissions of Inquiry

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

Generally available publications

A publication that is, or is to be made, generally available to the public, however it is published.

Reference and study documents

A document kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

Public records

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.

Postal material

A letter, or anything else, while it is being transmitted by post.

4. CLASSES OF RECORDS CONTAINING PERSONAL INFORMATION.

QFES collects and holds personal information across various classes of records. Personal information which identifies a person can include name, date of birth, address, gender, telephone numbers, employment records, education details, and passport information. The records are kept according to the categories set out in the Administrative Records Retention and Disposal Schedule, approved by Queensland State Archives. Separate storage and security arrangements apply depending on which business area holds the records and the sensitivity and classification of the information.

QFES is divided into business areas which are further divided into business units, as per the department's organisational chart. All areas of the department collect personal information in the course of their day-to-day activities for statutory and administrative reasons. Personal information is also held on agency files related to business and service delivery functions of the department.

QFES may also deal with personal information in administering the following legislation:

- *Disaster Management Act 2003*
- *Fire and Emergency Services Act 1990*

5. INFORMATION PRIVACY PRINCIPLES

5.1 Collection of Personal Information – Information Privacy Principles 1-3

Personal information may be collected by QFES from a number of sources including from:

- the person directly;
- a third party person or agency, including private sector agencies;
- a publicly available source;
- another State, Commonwealth or Territory government agency; and
- a court or tribunal.

QFES collects personal information in the course of day to day activities for statutory and administrative reasons.

Collection principles:

Lawful – QFES will only collect personal information for a lawful purpose. The information collected must be necessary to carry out a function of QFES;

Relevant – QFES will ensure that the personal information it collects is relevant, not excessive, accurate and up to date. QFES will not unnecessarily intrude into the personal affairs of an individual.

Open – where information is collected directly from an individual, QFES will take reasonable steps to inform people their personal information is being collected, what it will be used for and to whom it will be disclosed.

5.2 Security of Personal information – Information Privacy Principle 4

QFES stores personal information in a number of ways including:-

- paper files;
- notebooks, diaries and field books;
- computer files;
- video tapes;
- audio tapes;
- photographic images;
- CD and USB; and
- film.

If the collection of personal information was authorised by a legislative provision, the information will be stored in accordance with any specific requirements of that legislation.

All records are handled and stored in accordance with whole of government and agency specific security protocols including:

- *Public Records Act 2002*;
- *Public Service Act 2008*;
- Qld Government Information Standard 31 - Retention and Disposal of Public Records;
- Qld Government Information Standards 40 – Recordkeeping; and
- Qld Government Information Security Policy Framework.

QFES takes steps to protect personal information against unauthorised access, use, modification and disclosure including:

- information technology systems are protected in accordance with the Qld Government Information Security Policy Framework;
- paper records are managed in accordance with the Public Records Act 2008 and Qld Government Information Standards 31 and 40 and stored in appropriate security containers or secure rooms with restricted access;
- ensuring QFES employees, volunteers and contractors comply with QFES Governance and directions; and
- limiting information access to QFES employees and contractors who require such access to conduct their official duties, following the “need to know principle”.

5.3 Providing information about documents containing personal information – IPP5

This document is designed to meet the department’s obligations under IPP5, and aims to provide information about:

- the department’s structure and functions;
- the types of personal information collected and held by the department;
- the purposes for which personal information is collect, held and used by the department; and
- how a person may access or amend their own personal information

5.4 Access and Amendment of Personal information – IPPs 6-7

Access to and amendment of personal information is dealt with in Chapter Three of the IP Act and the RTI Act. Formal applications under these Acts are intended only as a last resort and QFES endeavours to provide access to personal information informally. This may be achieved through current departmental employees exercising their right of access under section 14 of the *Public Service Regulation 2008* (Qld) or by members of the public making a request for access to information under QFES administrative access schemes. Employees and members of the community wishing to obtain access to documents of QFES containing personal information should first consider the systems or schemes available outside the IP Act and the RTI Act.

Access and Amendment Principles

Transparent - QFES will take reasonable steps to explain to people what personal information it holds, why it is being used and any rights they have to access and amend it.

Accessible - QFES allows people to access their personal information without unreasonable delay or expense.

Correct – QFES allows people to update, correct or amend their personal information where in accordance with the IP Act.

Access

QFES Administrative Access Scheme

The QFES Administrative Access Scheme allows members of the public to access certain information held by QFES without having to apply through a formal Information Privacy or Right to Information application process.

Fees and charges apply depending on the type of application, the number of documents and the amount of work involved in accessing the information. For further details see the [QFES Administrative Access Scheme](#)

Information Sheet.

The main types of information held by QFES which are accessible through the Administrative Access Scheme, are Fire Investigation Reports and operational Incident Reports (minor fires, motor vehicle incidents, etc).

Applications can be made in writing, in person or over the phone. To access QFES information, you are required to:

- Submit your request to QFES – this may be via fax, post, email; or by phone using the QFES Administrative Access Scheme Request form (PDF 70KB), or QFES Administrative Access Scheme Request form (DOC 762KB);
- Indicate that you are seeking access under the QFES Administrative Access Scheme;
- Provide the name of the person making the request;
- Provide contact details for the person making the request; and
- Provide sufficient detail about the information requested to enable a QFES officer to identify the specific information required.

For further information, contact the Support Officer at:

Queensland Fire and Emergency Services
Administrative Access Scheme
GPO Box 1425
Brisbane Qld 4001
Telephone: 07 3635 3548
Email: QFRSAdminAccess@qfes.qld.gov.au

Access under the Right to Information and Privacy Acts

QFES has a centralised unit for processing applications for access to records of QFES under the IP Act and the RTI Act. The Right to Information and Privacy Unit has primary responsibility for determining Information Privacy and Right to Information applications for QFES.

Applications may be lodged online at: www.rti.qld.gov.au

Alternatively, applications for access may be made to:

The Manager
Right to Information and Privacy Unit
Queensland Fire and Emergency Services
GPO Box 1425
Brisbane QLD 4000
Ph: 07 3635 3303
Email: QFES.RTI@qfes.qld.gov.au

Applications must be in writing or on the approved form and must provide such information concerning the document as is reasonably necessary to enable identification of the document sought. An RTI and IP Access Application form can be accessed via the web page: www.rti.qld.gov.au

Applications under the RTI Act must be accompanied by the prescribed application fee. There is no application fee for applications under the IP Act.

Applications should include:

- Full name and address;
- The applicant's date of birth should be included for the purpose of identification, as well as proof of identity (copies of proof of ID documents should be certified) if the document concerns the applicant's personal affairs; and
- Description of the document requested and its possible location; type of access required (copy or visual inspection).

Amendment of Personal information

Under the *Information Privacy Act 2009*, a request for an amendment of personal information held by QFES, may be made if the person believes the information is incomplete, incorrect, out of date or misleading. An application fee is not payable.

QFES must take reasonable steps to correct the information if satisfied that it is incorrect, inaccurate, incomplete, irrelevant, out of date or misleading.

Written applications for amendment of a document may be made to:

The Manager
Right to Information and Privacy Unit
Queensland Fire and Emergency Services
GPO Box 1425
Brisbane QLD 4000
Ph: 07 3635 3303
Email: QFES.RTI@qfes.qld.gov.au

Applications should include:

- Full name and address;
- The applicant's date of birth should be included for the purpose of identification, as well as proof of identity (copies of proof of ID documents should be certified) if the document concerns the applicant's personal information; and
- Description of the document and an explanation of why the personal information contained within the document is believed to be incorrect, out of date or misleading.

5.4 Use of Personal Information – IPPs 8-10

Use Principles:

Accurate - QFES will take reasonable steps to ensure that personal information is relevant and accurate before using it.

Limited - QFES will only use personal information for the purpose for which it was collected, or a directly related purpose that the person would expect. QFES may use personal information without consent in limited circumstances, including in order to deal with a serious threat to any person's health or safety. Otherwise QFES will request the person's consent.

QFES only uses personal information for

- the purposes for which it was given;
- other purposes with the consent of the person concerned;
- other purposes authorised by law;
- other purposes where necessary for a law enforcement or misconduct investigation;
- other purposes where necessary to protect public revenue;
- other purposes where necessary to protect personal or public safety; or
- other purposes directly related to the purpose of collection.

Before using personal information, reasonable steps will be taken to ensure that it is up to date and accurate and relevant to the proposed purpose of use.

5.5 Disclosure of Personal Information – IPP 11

QFES only discloses personal information to third parties where:

- the person to whom it relates was notified or consented;
- the disclosure is authorised by law;
- the disclosure is necessary for a law enforcement or misconduct investigation;
- the disclosure is necessary to protect public revenue;
- the disclosure necessary to protect personal or public safety; or
- other circumstances including research identified in the IP Act.

6. COMPLAINT AND REVIEW PROCESS

If an individual believes that QFES has not dealt with their personal information in accordance with the Information Privacy Principles, he or she is entitled under the IP Act to make a complaint.

No particular form is required to make a complaint. However, a privacy complaint must:

- concern the personal information of the complainant;
- include evidence of identity;
- be in writing and state an address to which notices may be forwarded under the *Information Privacy Act 2009*;
- give particulars of the alleged breach, and
- must be made to the Privacy Contact Officer in the department within 12 months of the alleged privacy breach.

Privacy complaints may be directed to:

The Manager
Right to Information and Privacy Unit
Queensland Fire and Emergency Services
GPO Box 1425
Brisbane QLD 4000
Ph: 07 3635 3303
Email: QFES.RTI@qfes.qld.gov.au

Alternatively, a complaint may be made:

- by submitting our [online complaints form](#).
- by sending an email to QFES.complaints@qfes.qld.gov.au, or
- by writing to us (c/- Investigations Manager, Ethical Standards Unit, GPO Box 1425, Brisbane Q 4001)

If the complaint relates to conduct of a QFES employee, the complaint will be dealt with in accordance with the Customer Complaints Procedure and the Policy and Procedures for the Management of Complaints against Employees, Volunteers and Contractors.

If the individual has not received a decision on the complaint within 45 business days, or is not satisfied with the decision, he or she may complain to the Information Commissioner. The Information Commissioner will try to resolve the complaint through mediation.

If the complaint cannot be resolved through mediation, the complainant may direct the Information Commissioner to refer his or her complaint to the Queensland Civil and Administration Tribunal (QCAT). More information about the Information Commissioner's privacy complaints process is available on the Commissioner's website:

www.oic.qld.gov.au/about/privacy/privacy-complaints

Where the complaint is substantiated, QCAT may make orders including that an apology be made or compensation be awarded.

7. THIRD PARTY CONTRACTORS

QFES occasionally uses contractors to carry out specific functions and projects. QFES will take reasonable steps to bind contractors to follow the IPPs as if the contractors themselves were agencies under the *Information Privacy Act 2009*.

8. REVIEW

The Privacy Policy is to be reviewed every two years or as required.

9. FURTHER ENQUIRIES

Enquiries about this policy or any matters relating to privacy within QFES should be directed to:

The Manager
Right to Information and Privacy Unit
Queensland Fire and Emergency Services
GPO Box 1425
Brisbane QLD 4000
Ph: 07 3635 3303
Email: QFES.RTI@qfes.qld.gov.au