

Information Privacy Guide

Introduction

The *Information Privacy Act 2009* (IP Act) provides for the fair collection and handling of personal information by all Queensland Government agencies. These obligations are set out in Chapter 2 and Schedule 3 (Information Privacy Principles) (IIPs) of that Act.

The IP Act also provides individuals with a right of access to, and amendment of, personal information in the government's possession and control unless, on balance, it is contrary to the public interest.

Personal information is defined in the IP Act as:

'information or an opinion, including information or 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 be reasonably ascertained, from the information or opinion'

Essentially, personal information is any information about an identifiable person.

Purpose of this guide

In accordance with the Commission's requirements under IIP 5, this guide provides general information on:

- the type of personal information contained in documents held by the Commission;
- the main purposes for which this information is used; and
- how you can access your personal information held in Commission documents.

It also includes what to do if you have concerns about the Commission's handling of your personal information.

Our key responsibilities

The Queensland Racing Integrity Commission (the Commission) is an independent statutory body established under the *Racing Integrity Act 2016* (RIA), which regulates and oversees animal welfare and integrity matters within the racing industry.

The Commission reports to the Minister for Racing and is accountable to the Queensland Government under the *Financial Accountability Act 2009*.

Our commitment to the responsible management of personal information

The Commission is committed to ensuring that all personal information is managed in accordance with the privacy principles. In doing so, the Commission will ensure:

- the personal information of its licence holders, other stakeholders and employees will be responsibly and

transparently collected, managed, used and disclosed in accordance with the eleven IIPs contained in the IP Act;

- personal information will be disclosed to other entities (including agencies, other levels of government, national racing bodies or the private sector) responsibly, appropriately, transparently and in accordance with Racing Integrity Act s 98A, when applicable;
- information will only be transferred outside of Australia in accordance with section 33 of the IP Act;
- all reasonable steps will be taken to bind contracted service providers to the IIPs if they are dealing in any way with personal information on our behalf (section 35 of the IP Act);
- privacy breaches and complaints will be dealt with in a timely and responsive manner and complainants will be treated with respect throughout the process; and
- it complies with the conditions of any public interest approvals issued by the Information Commissioner under section 157 of the IP Act.

The type of personal information contained in our documents

The Commission collects a range of personal information in accordance with its functions, core services and business, including but not limited to:

- licensing and registration of persons and animals;
- determining if a person is fit and proper to participate in the racing industry in Queensland, including information contained in criminal history checks;
- dealing with disciplinary matters under the Rules of Racing;
- investigating and prosecuting breaches of the RIA;
- maintaining registers of the ownership of licensed animals; and
- testing samples taken from licensed participants, and registered animals.

In keeping with the IPP 3, the Commission will only collect personal information which is relevant to carrying out the Commission's functions and core business requirements.

Sharing of information with other enforcement agencies

Under section 98A of the RIA, the Commission and other government agencies, such as the Queensland Police Service, may share information for the purpose of assisting each agency undertake their respective functions. For example, the Commission may share relevant information to assist in the investigation of a criminal offence.

The RIA also provides for the Commission's authorised officers to share information about animal welfare offences with the Queensland Police Service, or an authorised officer or inspector under the *Animal Care and Protection Act 2001*.

The Commission will only be providing personal information which is necessary to assist these other agencies to carry out their respective functions and in accordance with any relevant laws.

The parties receiving this information are also bound by the IP Act and the IPP. As such, they must also manage any personal information provided under the RIA appropriately and responsibly.

How you can request amendments or access to your personal information

The right of access to and amendment of personal information is dealt with under IPP 6 and 7 of the IP Act.

Access to documents containing personal information

IPP 6 provides that a person is entitled to access any record that contains their personal information, except where access is restricted by any law. This includes the provisions in Chapters 3 of both the *Right to Information Act 2009* (RTI Act) and the IP Act.

The Commission endeavours to provide access to personal information informally, without requiring a person to make an application under the RTI Act or IP Act. However, in some situations informal access will not be appropriate, and you may need to make an application under the RTI Act or IP Act. (For example, if a third party's privacy is also involved).

Amendment of documents containing personal information

IPP 7 provides that a person is entitled to seek an amendment of any record that contains their personal information that is inaccurate, incomplete, out of date or misleading.

Applications can only be made by a person seeking amendment of their own personal information, or of a deceased person to whom they are next of kin.

Applications for access to or amendment of personal information

Requests for documents or amendment of personal information under the RTI or IP Acts must be made on the prescribed statutory forms, copies of which are available at www.rti.qld.gov.au.

Prior to lodging an access or amendment application for information held by this Commission it is suggested that the person contacts:

Privacy Officer

Queensland Racing Integrity Commission
PO BOX 15666
CITY EAST QLD 4002
Email: PrivacyOfficer@qric.qld.gov.au

How you can complain about our handling of your personal information

A privacy complaint is a complaint made by an individual about an act or practice of the Commission in relation to that individual's personal information. Privacy complaints should be made no longer than twelve months from the date when the action or practice occurred.

If you wish to lodge a privacy complaint, please:

- submit your complaint in writing;
- state an address which we can use to contact you; and
- include details about the actions or practice you are complaining about.

Send your complaint, marked Confidential, to:

Privacy Officer

Queensland Racing Integrity Commission
PO BOX 15666
CITY EAST QLD 4002
Email: PrivacyOfficer@qric.qld.gov.au

The Commission will endeavour to respond to your concerns within 45 business days from the date your complaint is received. However, in some circumstances, a longer period may be required in order to finalise your complaint. If so, you will be contacted with a view to arranging an extension of time.

On completion, you will be advised in writing of the Commission's decision, including any remedies that are considered appropriate to resolve the complaint.

What happens if you are not happy with the Commission's response?

If you have made a complaint to the Commission under the IP Act and you are not satisfied with the response you receive, you can refer your privacy complaint to the Office of the Information Commissioner (OIC).

However, note that your complaint can only be made to the OIC after 45 business days has lapsed from the date the complaint was received by the Commission.

Refer to the OIC's website for further information: www.oic.qld.gov.au/about/privacy/privacy-complaints.

Further information

For general enquiries on the operation and application of RTI and IP legislation, please contact the OIC via:

Office of the Information Commissioner
Telephone: (07) 3234 7373
Email: enquiries@oic.qld.gov.au
Website: www.oic.qld.gov.au