

## Frequently Asked Questions about Information Privacy

### What is Personal Information?

Personal information is an opinion or information, whether true or false, that identifies or could identify an individual. It does not have to be written down – It could be spoken information, information in a database or on a computer screen, a photograph or video recording.

Personal information does not need to be written nor does it need to be true or accurate. Personal information can include photographs, video recordings and information in a database or on a computer screen. It can also be spoken or communicated in another way, for example, by sign language.

Examples of personal information can include:

- a person's name, date and/or place of birth, address, phone number or email address
- a photograph of a person
- a person's salary, bank account or financial details
- allegations of wrongdoing against a person or details of wrongdoing or offences they may have committed
- details about a person's land ownership or disputes to do with their land
- details about a person's education or education activities, such as what degree they possess or what school they attend
- the fact that a person is a member of an association and their attendance at meetings.

Personal information includes some information people may not normally consider to be private, for example:

- A work email address or phone number.
- Opinions given as part of a person's employment.
- The fact that a person is the author of a report.
- A person's name appearing in work documents.
- A letter written in a person's official capacity, such as a letter from the president of a club.

### How does the Information Privacy Act 2009 protect Personal Information?

An Individual's ability to control their personal information is the key to their right to privacy. The Information Privacy Act 2009 gives them control over their personal information by requiring Council to follow the Information Privacy Principles contained in the Information Privacy Act 2009 when it collects, stores, uses and discloses personal information.

Any personal information collected must be:

- directly related to or necessary for a lawful purpose or function of Council
- relevant, up-to-date and complete
- collected fairly and lawfully
- stored safely and securely.

Generally, personal information can only be used for the reason it was collected or for a directly related purpose, and will not be disclosed, unless written permission has been provided by the individual. There are some exceptions to this, for example, Council can use personal information for another purpose or disclose personal information if the use or disclosure is:

- permitted or required by a law
- essential for law enforcement

likely to prevent or lessen a threat to the life, health or safety of an individual or to public health or safety.

### How can I access personal information that Council holds about me?

You should contact the Customer Service Centre on 4783 9800 or [enquiries@burdekin.qld.gov.au](mailto:enquiries@burdekin.qld.gov.au) to see whether it can be accessed administratively. For more information see Administrative Release of Information Guideline at [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

You are entitled to apply for access to personal information that council holds about you under the *Information Privacy Act 2009*. You can apply for access by completing the approved form.

### I believe the personal information the Council holds about me is inaccurate. What can I do?

You should contact the Customer Service Centre on 4783 9800 or [enquiries@burdekin.qld.gov.au](mailto:enquiries@burdekin.qld.gov.au) and ask them to correct the information.

If Council will not do this administratively, you have the right to apply to amend the information under the *Information Privacy Act 2009*. To make a formal application to amend your information you should:

- complete the approved form
- make it clear what information you believe to be inaccurate, incomplete, out of date or misleading, and why
- inform Council about what amendments are necessary in order for the information to be accurate, not misleading, complete or up to date.

For all amendment applications under the IP Act, you must provide a certified copy of your identification with the application form or within 10 business days after submitting your application.

If someone (including a legal representative) is acting on your behalf or as your agent, they must also provide evidence that they have authority to act on your behalf and a certified copy of their identification.

### I want to know who complained about me. Can I get this through Privacy Information?

No, Council protects the identity of complainants, so if you ask for all complaints about a property/person/dog etc. you may get some of the content of the complaint and investigation notes but Council will not release any information that identifies who has made the complaint.

## How do I make an Information Privacy Access Application?

All Information Privacy Applications must be made using the approved form. You can download and print a copy of the approved Right to Information and Information Privacy Access Application form from the Council's website [www.burdekin.qld.gov.au](http://www.burdekin.qld.gov.au) or obtain a copy by contacting Council's Customer Service Centre on 07 4783 9800 or [enquiries@burdekin.qld.gov.au](mailto:enquiries@burdekin.qld.gov.au)

Valid Information Privacy applications must include:

- enough information to identify the documents being sought
- an address where notices can be sent.

With the application or within 10 business days the applicant must supply:

- evidence of identity
- if the applicant has an agent, evidence of their authority and identity.

Completed applications must be submitted to:

Burdekin Shire Council  
PO Box 974  
AYR QLD 4807

Fax: 07 4783 9999

Email: [enquiries@burdekin.qld.gov.au](mailto:enquiries@burdekin.qld.gov.au)

## How much will an Information Privacy Access Application cost?

There are no application fees if you are applying under the Information Privacy Act 2009 to access or amend personal information - however a charge may be applied for accessing documents e.g. searching and photocopying.

If you hold a concession card you may apply for a waiver of the access charges.

## How long does the application take to process?

An application is usually processed within about five weeks or 25 business days, but this can be extended under some circumstances.

## What if I am not satisfied?

If you are not satisfied with any decision regarding your application you have the right to ask for a review.

The types of decisions you may ask to have reviewed include:

- Decisions to refuse access to all or part of a document
- Decisions to refuse to amend information
- Decisions to impose fees or charges.

**Internal Review** – If you disagree with Council's decision, you can apply to Council for an internal review of the decision. There is no fee or charge for an internal review but an application must be in writing and lodged with Council within 20 business days after the date of the written notice of the decision. A more senior delegated officer to the original decision maker will review your application and inform you of the review decision within 20 business days, including reasons as to why the original decision is affirmed, modified or overturned. You may choose to request an external review from the Information Commissioner instead of an internal review by Council.

**External Review** – If you disagree with the internal review decision, you can request an external review. You may also request an external review when Council takes longer than the prescribed time to make the decision on your application. Your request for external review should be addressed to:

Office of the Information Commissioner  
PO Box 10143  
Adelaide Street  
BRISBANE QLD 4000

The Information Commissioner may change or confirm the decision made on your information privacy request or try to mediate a settlement between you and the Council. There is no fee or charge for an external review.

For more information regarding external reviews visit [www.oic.qld.gov.au](http://www.oic.qld.gov.au) or call the Office of the Information Commissioner on 07 3234 7373.

### I am concerned that Council has breached my privacy. What can I do?

Initially you should contact Council and speak to one of our Customer Service Officers who will direct your call to the right person. They can be contacted on: 07 4783 9800.

### How do I get more information?

To find out more about Information Privacy contact Council's Customer Service Centre on 07 4783 9800 or email [enquiries@burdekin.qld.gov.au](mailto:enquiries@burdekin.qld.gov.au)

Further information can also be obtained by visiting the Office of Information Commissioner website [www.oic.qld.gov.au](http://www.oic.qld.gov.au) or calling 07 3234 7373.