

Confidentiality and data protection policy – Personal Information from QPS members

Introduction

The Commission of Inquiry into Queensland Police Service (**QPS**) responses to domestic and family violence recommended that the QPS engage the Queensland Human Rights Commission (the Commission) to undertake a program of works aimed at increasing diversity and inclusion of QPS members.

To implement this recommendation, the Commission has been engaged by the QPS to undertake a review of diversity and inclusion in the QPS (the **Review**).

The Review is enabled by a direction of the Attorney General pursuant to section 235(k) of the *Anti-Discrimination Act 1991* (Qld) and, additionally, by functions conferred on the Commission under sections 235(d), s 235(e), s 235 (i), s 235(l) of the *Anti-Discrimination Act 1991* (Qld) and section 61(c) of the *Human Rights Act 2019* (Qld).

A non-binding Memorandum of Understanding (**MOU**) has been authorised by the QPS and the Commission and sets out the terms on which the Commission will conduct the Review.

Purpose

The purpose of this policy is to outline how the Commission will manage, collect, store, handle, use and disclose Personal Information provided to the Commission by QPS members in relation to the Review. This policy therefore considers:

- Confidentiality – access, use and storage of Personal Information obtained by the Review from QPS members; and
- Data protection – controls in place to secure data from damage, loss or unauthorised use of Personal Information obtained from QPS members.

As this policy is made for the purposes the MOU and is not a document which has been prepared to respond to requirements under the *Information Privacy Act 2009* (Qld), specific details as to how the Commission discharges its information privacy obligations are found in the Commission's [privacy policy](#).

Scope

This policy applies to Personal Information provided to the Commission by QPS members for the purposes of conducting the Review.

Guiding legislation and standards

As a Queensland statutory agency, the Commission is subject to the following legislation:

- *Information Privacy Act 2009* (Qld) (**IP Act**) – establishes a set of rules or ‘privacy principles’ that govern how Queensland Government agencies collect, store, use and disclose Personal Information.
- *Anti-Discrimination Act 1991* (Qld) section 220 – prescribes that a person who acquires Personal Information through their employment at the Commission must not record or communicate the information to another person, unless required for the performance of the Commission’s functions or permitted by another Act.
- *Human Rights Act 2019* (Qld) (**HR Act**) section 25 – protects individuals against arbitrary and unlawful interference with privacy and unlawful attacks on reputation by public entities.
- *Public Records Act 2002* (Qld) (**PR Act**) – the primary records management legislation in Queensland, which establishes a comprehensive regime for the management of public records.

Definitions

The following definitions are applicable to this policy.

Advisory Panel means the panel established by the Commission and QPS to provide additional expertise to the Commission and the QPS relevant to the scope of the Review.

Consultation and Engagement Activities means consultation and engagement activities conducted by the Commission with QPS members in connection with the Review, such as meetings with QPS members to obtain views and perspectives relevant to the Review.

Personal Information has the same meaning as in section 12 of the IP Act.

QPS means the Queensland Police Service.

QPS information is data or any information (including Personal Information) that is provided or made available to the Commission by QPS, or on its behalf. This does not include information provided to the Commission by an QPS member where the QPS member provides the information in their own capacity and not on behalf of the QPS.

QPS members means current, previous, and prospective Queensland Police Service officers and police liaison officers, but does not include other staff members as defined in the *Police Service Administration Act 1990* (Qld), such as protective services officers or officers of the public service assigned to perform other duties in the police service.

Review means the activities and actions outlined in Recommendation 12 of the Commission of Inquiry report which have been authorised by the Commission and the QPS.

Management of Personal Information

Personal Information provided to the Commission by QPS members will be collected, stored, handled, used and disclosed for the purpose of the Review including to understand more about the issues within scope, test and analyse the evidence received and to prepare a public report.

Collection

The Commission anticipates the Review will primarily obtain Personal Information from QPS members:

- contacting the Commission to ask for information about the Review; and/or
- participating in a consultation and engagement activity with the Review.

In these circumstances, the Commission may obtain Personal Information including a person's name and email address, their demographics, experiences, views, and opinions on issues within scope.

Personal Information will be collected, and all types of information gathered will be recorded and stored electronically in accordance with the Commission's statutory obligations including those under the IP Act and the PR Act.

Use of information

The Commission will only use or disclose Personal Information for the purpose of the Review, including activities in connection with the Review.

QPS members may provide Personal Information to the Review on a confidential or anonymous basis.

Confidential

All information received by the Commission will be dealt with on a confidential basis, unless otherwise required by law.

If a QPS member provides information on a confidential basis, information provided to the Commission under the Review, including Personal Information, may be drawn upon, quoted or referred to in a public report, or other resources produced in connection with the Review.

In these circumstances, as much as possible, the Commission will de-identify any Personal Information or other identifying information for confidentiality purposes so that people outside the Commission, including QPS, will not be able to re-identify the QPS member who provided the information. For example, if the Review uses a quote from a QPS member based on information provided confidentially, their real name will not be used, and any identifying information will be removed. However, there may be some instances where de-identifying Personal Information or other information is not possible as the very nature of the information will disclose a person's identity. In such cases, the Commission will take all reasonable steps to avoid re-identification.

Anonymous

If a QPS member provides information on an anonymous basis, the Review may use that information to understand more about the issues under consideration, however the weight that the Commission will be able to place on any information received may be limited.

There may be options to engage with the Review without providing a name or contact details, for example in an online survey.

Other

A QPS member who provides Personal Information to the Review may request for their name to be published or attributable information to be quoted in a public report. In this case, subject to the Review's discretion, the Commission will seek the express consent of the QPS member on a case-by-case basis.

Disclosure

The Commission will only disclose Personal Information:

- to the extent that it is required for the purposes of the Review; or
- to the extent that it is required by any Act or law.

As far as reasonably practicable, the Commission will only communicate to QPS de-identified Personal Information obtained during the Review. The Commission will take all reasonable steps to ensure that no identifiable information about QPS members of the Review will be provided to QPS.

In limited circumstances, Personal Information may be provided to an external professional engaged by the Commission to undertake a formal role in conducting or providing advice to the Review, for example, the external Advisory Panel. All external contractors will be required to sign a confidentiality undertaking to keep the information confidential.

Limits on confidentiality

Right to information

People have the right to apply for access to documents from Queensland statutory bodies, including the Commission, under the *Right to Information Act 2009* (Qld) (**RTI Act**).

Applications made to the Commission under the RTI Act for access to information from the Review will be assessed according to the requirements of the RTI Act.

Other

If information provided to the Commission for the purposes of the Review by a QPS member discloses an immediate risk of harm to self or others, the Commission may be required to report the matter to the police or another entity in line with its referral policy.

Access to and amendment of Personal Information

Participants may make an application for access to their own Personal Information under the IP Act, as well as apply to amend their Personal Information if it is inaccurate, incomplete, out-of-date or misleading under the IP Act.

Refer to the Commission's website for further information: [QHRC : Accessing information](#)

Storage

All information, including Personal Information obtained from QPS members by the Commission for the purposes of the Review will be stored in electronic form. Any information, including Personal Information provided by QPS member not provided in electronic form will be converted into electronic form by the Commission, and the original copies returned to the provider of the information where possible and if not, managed in accordance with the PR Act.

Microsoft Sharepoint

The central repository for Personal Information obtained by the Review will be stored on a secure SharePoint site controlled by the Commission.

The Commission has a licence for Microsoft SharePoint, which is a Microsoft Cloud product. Servers are located in Australia.

The secure SharePoint site is only used by and accessible to relevant staff of the Commission.

Otter

The Review may use the software program 'Otter' when conducting Consultations and Engagement Activities conducted with QPS members.

Otter provides live transcription and produces meeting notes and a transcription of the consultation. This reduces the need for note taking and increases the accuracy of the Review's records.

Otter will only be used when all participants in the consultation activity provide their consent for the consultation to be recorded.

Conversations recorded on Otter are retained on a cloud. The Otter website indicates that the cloud service providers they rely on for data storage, include Amazon Web Services, are based in the United States.

[Amazon Web Services Privacy Notice](#) states that it protects the security of information during transmission to or from AWS websites, applications, products, or services by using encryption protocols and software.

Copies of audio recordings will be kept and managed in accordance with the PR Act.

Microsoft Forms

The Review will use Microsoft Forms to conduct engagement during the Review. This may include using Microsoft Forms to:

- generate an intake form for QPS members to request a consultation
- conducting the staff survey of QPS members.

Microsoft Forms has the same level of security as Microsoft Sharepoint.

Other Commission data storage

Personal Information obtained during the Review may also be stored on the Commission's server and in its records management program, RecFind. The Queensland Human Rights Commission and RecFind servers are located in Australia.

Data protection

Data protection secures data from damage, loss, and unauthorised access.

Data security

The Commission has the following controls in place to reduce the risk of data breaches and cyber related incidents:

- multi factor password protections for accessing our ICT systems
- physical access restrictions to our buildings
- limiting access to information to authorised Commission officers working on the Review
- ensuring all Commission officers working on the Review have up to date privacy awareness training (completion of compulsory 'QHRC Information Privacy' training)

- requiring authorised officers working on the Review, for example Advisory Panel members or expert consultants, to sign a confidentiality undertaking.

If the Commission detects or is notified of an unauthorised disclosure, it will be managed having regard to applicable legislation and policy requirements, including by:

- containing the unauthorised disclosure and taking appropriate steps to prevent any further disclosures
- investigating the circumstances of the unauthorised disclosure
- considering whether affected individuals should be notified.

File retention

The Commission will comply with the PR Act in considering file and record retention periods and processes.

Privacy complaints

If a person who has provided Personal Information to the Commission for the purposes of the Review considers the Review has not handled their Personal Information in accordance with the IP Act, that person may make a complaint to the Commission.

For information on how to make a complaint, and how the complaint will be handled, refer to <https://www.qhrc.qld.gov.au/about-us/feedback>.