

Confidentiality and data protection policy – QPS information

Introduction

The Commission of Inquiry into Queensland Police Service responses to domestic and family violence recommended that the QPS engage the Queensland Human Rights Commission (**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 QPS Information obtained during the Review. This policy therefore considers:

- Confidentiality – access, use and storage of QPS Information for the agreed purposes and outputs of the Review; and
- Data protection – controls in place to secure QPS Information from damage, loss or unauthorised use.

This policy distinguishes between QPS Information, and Personal Information obtained from QPS members. Both terms are defined below.

As this policy is made for the purposes of 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 QPS Information provided to the Commission 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. Where terms are defined in the Memorandum of Understanding, the same definition has been used.

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 a 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.

Site Visit means the Commission's attendance at QPS premises to access QPS facilities, systems and personnel which are reasonably required for the Review.

Management of QPS information

The Commission will collect, store, handle, use and disclose QPS Information for the purpose of the Review, including activities in connection with the Review.

Where the QPS Information is Personal Information, it will be collected, stored, handled, used and disclosed in the manner detailed in the *Confidentiality and Data Protection Policy -Personal Information from QPS members Policy*.

Collection

The Commission anticipates the Review will primarily obtain QPS Information through the following activities:

- Emails and correspondence;
- Activities of the Coordination Committee and Advisory Panel;
- Information requests made in line with the Information Request Protocol;
- Consultation and Engagement Activities with QPS members;
- Site visits

Use of information

The Commission will use QPS Information for the purpose of the Review, including activities in connection with the Review.

Disclosure

Through authorising the MOU, the Commission and the QPS agree that the Commission may disclose QPS's Confidential Information:

- in accordance with the MOU; or
- 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.

This will include public reports produced in connection with the Review, as contemplated by the MOU.

QPS Information may include Personal Information, for example, the names, ranks and contact details of individuals. Where that is the case, the Commission will comply with its obligations in relation to that information's collection, use and disclosure under the IP Act. For QPS Information that is Personal Information, please refer to the *Confidentiality and Data Protection Policy - Personal Information from QPS members Policy*.

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 QPS Information will be assessed according to the requirements of the RTI Act.

Storage

All QPS Information obtained by the Review will be stored in electronic form. Any QPS Information not provided in electronic form will be converted into electronic form by the Commission, and the physical copies managed in accordance with the PR Act.

Sharepoint

The central repository for QPS 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 *Public Records Act 2002* (Qld).

Microsoft Forms

While the Review is yet to confirm the approach it will take to conducting the staff survey of QPS members, it is anticipated this will be conducted through the use of Microsoft Forms.

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

While data obtained through this survey is anticipated to primarily include Personal Information from QPS members, it may also be considered to include some forms of QPS Information.

Other Commission data storage

QPS Information 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 who 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 that captures or may reasonably be expected to capture QPS Information obtained during the Review, the Commission will notify the QPS of this unauthorised disclosure as soon as reasonably possible after it becomes aware of the potential unauthorised disclosure.

File retention

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

Inconsistency

To the extent that there is any inconsistency between this policy and the MOU, this policy will prevail.