



# Privacy policy

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## 1. Audience

This policy applies to all Queensland Human Rights Commission (QHRC or Commission) employees. For the purpose of this document, employee means:

- any employee, whether permanent, temporary, full time, part time or casual and includes the Commissioner; and
- any volunteer, student, contractor, consultant, agency temp, secondee or anyone who works in any other capacity for the Commission.

## 2. Purpose

This policy explains how the QHRC collects, uses, discloses, and stores personal information in accordance with the *Information Privacy Act 2009* (Qld) (IP Act) and the Queensland Privacy Principles (QPPs). The IP Act and QPPs regulate how the Commission manages personal information.

Under section 220 of the *Anti-Discrimination Act 1991* (Qld) (AD Act), Commission staff must not record, communicate or disclose information about a person's affairs unless it is required for the performance of a function in connection with that Act, or is required or permitted by another Act.

## 3. Scope

This policy applies to personal information held by the QHRC, including information collected for the following activities:

- (a) enquiries and dispute resolution
- (b) undertaking research and review projects
- (c) delivery of training
- (d) community engagement
- (e) legal matters
- (f) human resource management
- (g) recruitment.

## 4. Policy statement

QHRC recognises the importance of information privacy to the broader right to privacy and maintains robust data privacy practices in the collection, storage and use of personal information.

As required by the *Human Rights Act 2019* (Qld), consideration has been given to human rights, including any limitations on human rights, that are relevant to this policy. This policy has been assessed as compatible with human rights.

In addition and in accordance with section 58 of the *Human Rights Act 2019* (Qld), when making decisions or acting under this policy, decision-makers must comply with those human rights obligations.

## 5. Roles and responsibilities

**All staff** are responsible for handling personal information in accordance with this policy and notifying the Privacy Officer of any non-compliance as soon as possible.

**Managers and supervisors** of each team are responsible for:

- (a) supporting a culture of privacy protection
- (b) reviewing the personal information the team holds and taking steps to ensure that it is secure
- (c) assisting and supporting the containment, reporting and investigation of any privacy breaches or complaints.

The **Privacy Officer** is responsible for:

- (a) providing advice in relation to privacy compliance and complaints across QHRC
- (b) receiving, processing and responding to privacy breaches and eligible data breaches
- (c) responding to requests to access or amend documents containing an individual's personal information
- (d) providing sufficient training opportunities to staff to promote a culture of privacy compliance across QHRC.

## 6. Policy

### 6.1. Open and transparent management of personal information

QHRC is open and transparent about the way in which it handles the personal information of individuals. QHRC does this by:

- (a) maintaining this policy outlining how QHRC handles personal information
- (b) publishing this privacy policy on its website
- (c) implementing practices, policies and procedures to ensure it complies with the QPPs, and
- (d) ensuring that enquiries and complaints regarding QPP compliance are handled efficiently.

### 6.2. Anonymity and pseudonymity

Individuals may communicate with QHRC anonymously or by using a pseudonym. However, this may limit the service QHRC can provide and its ability to resolve or deal with an issue.

QHRC will not allow individuals to communicate with it anonymously or by using a pseudonym if:

- (a) Australian law, or a court or tribunal order, requires or necessitates individuals to identify themselves to the Commission; or
- (b) it is impracticable for QHRC to deal with individuals who have not identified themselves or used a pseudonym.

This will be evaluated on a case-by-case basis as required.

## 6.3. Collection of personal information

### 6.3.1. When does QHRC collect personal or sensitive information?

QHRC collects personal information when the information is reasonably necessary for, or directly related to, its functions or activities.

QHRC only collects sensitive information about an individual if:

- (a) the individual consents and the information is reasonably necessary to perform its functions or activities; or
- (b) one of the following applies:
  - (i) the collection is required or authorised by Australian law or court order
  - (ii) it is unreasonable or impracticable to obtain the individual's consent and QHRC believes collecting the information is necessary to prevent a serious threat to the life, health, safety or welfare of the public or an individual
  - (iii) QHRC suspects unlawful activity or serious misconduct relating to its functions has been, is being, or may be engaged in and collecting this information would enable QHRC to take appropriate action in relation to the matter
  - (iv) QHRC believes that collection of the information is reasonably necessary to assist an entity to locate a person who has been reported as missing
  - (v) the collection is reasonably necessary for the establishment, exercise, or defence of a legal or equitable claim, or
  - (vi) the collection is reasonably necessary for the purposes of a confidential alternative dispute resolution process.

QHRC is authorised under the AD Act and the *Human Rights Act 2019* (Qld) to collect sensitive information about individuals that relate to a complaint made under those Acts.

QHRC will take reasonable steps to ensure the personal information it collects is accurate, up to date and complete.

### 6.3.2. How does QHRC collect personal information?

QHRC only collects personal information by lawful and fair means. Generally, QHRC will only collect personal information directly from the individual it relates to. However, QHRC may collect personal information from another person if:

- (a) the individual consents or
- (b) it is unreasonable or impracticable for us to collect personal information only from the individual or
- (c) the collection is required or authorised under an Australian law, or a court or tribunal order.

For example, QHRC may collect personal information about you from:

- (a) your authorised representative

- (b) a complainant, respondent or other person involved in a complaint or enquiry made to the Commission
- (c) publicly available sources
- (d) a person who names you as a referee in a job application.

### 6.3.3. How does QHRC notify it is collecting personal information?

When QHRC collects personal information, or soon after, it will take reasonable steps to inform the individual of any of the following matters that are relevant to their situation:

- (a) the identity and contact details of QHRC
- (b) the reason QHRC has collected the information
- (c) the consequences if QHRC is unable to collect the personal information
- (d) the names or kinds of other entities QHRC usually discloses the personal information to
- (e) if QHRC collected the personal information from another entity, or the individual is not aware that QHRC collect or has collected personal information about them, advice that QHRC collect, or has collected, the information and the circumstances of that collection.
- (f) advice that collection of the personal information is required or authorised under an Australian law, or a court or tribunal order, including the name of the relevant law and details relating to the order
- (g) advice that QHRC's privacy policy explains how individuals can access or amend their personal information and how to file a complaint if they believe the QHRC has breached a QPP, and
- (h) if QHRC is likely to disclose personal information to recipients outside of Australia and, where possible, the countries involved.

What constitutes 'reasonable steps' in any situation will be assessed on a case by case basis.

Some examples of where notification may not be reasonable, including because the time and cost of doing so outweighs the privacy benefit of notification, are:

- (a) in the collection of next of kin or emergency contact information
- (b) where personal information about a third party is provided as part of enquiries or dispute resolution processes and QHRC will not use the information to investigate or resolve the matter
- (c) where personal information is provided by a third party and QHRC does not have the individual's contact details
- (d) in instances where notification could pose a serious threat to life, health, safety or welfare of an individual
- (e) where the individual is already aware that their personal information is being collected, and the information that would be included in a collection notice.

## 6.4. Use or disclosure of personal information

To perform its functions, QHRC may be required to use or disclose the personal information it holds. Under the IP Act, QHRC may only use and disclose personal information for the purpose it was collected.

However, QHRC may use or disclose personal information for another purpose if:

- (a) the individual consents
- (b) the individual would reasonably expect QHRC to use or disclose the information for the other purpose and:

- (i) if the information is sensitive information— the other purpose is *directly related* to the original purpose the information was collected or
- (ii) if the information is not sensitive information— the other purpose is *related* to the original purpose the information was collected
- (c) the use or disclosure is required or authorised by Australian law or a court or tribunal order
- (d) it is unreasonable or impracticable to obtain the individual’s consent and the Commission believes collecting the information is necessary to prevent a serious threat to the life, health, safety or welfare of the public or an individual
- (e) the Commission suspects unlawful activity or serious misconduct relating to its functions has been, is being, or may be engaged in and collecting this information would enable the Commission to take appropriate action in relation to the matter
- (f) the Commission believes that collection of the information is reasonably necessary to assist an entity to locate a person who has been reported as missing
- (g) the use or disclosure is reasonably necessary for the establishment, exercise, or defence of a legal or equitable claim
- (h) the use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process
- (i) the use or disclose of the information is required for law enforcement purposes
- (j) the use or disclosure is necessary for ASIO related activities or
- (k) the use or disclosure is necessary for research or statistical purposes.

QHRC will take reasonable steps to ensure the personal information it uses or discloses is accurate, current, complete and relevant. The steps QHRC needs to take to ensure this depends on how it is going to use or disclose the personal information.

## 6.5. Examples of personal information

The below table provides information about the examples of personal information which QHRC collects:

<b>Purpose</b>	<b>Type of information</b>	<b>Why is it collected?</b>	<b>How is it used?</b>	<b>How is it disclosed?</b>
(a) Enquiries	Names, contact details, broad demographic information, details of the enquiry.	To allow QHRC to respond to the enquiry.	To provide information and resources to the enquirer and compile relevant statistics to help improve services and for publication (in a de-identified form).	To assist with the enquiry but only with the consent of the enquirer; may be disclosed if welfare check needed or threat of harm to third party.

<b>Purpose</b>	<b>Type of information</b>	<b>Why is it collected?</b>	<b>How is it used?</b>	<b>How is it disclosed?</b>
(b) Complaints	Names, contact details, individual respondent information, complaint details, and demographic information.	To manage complaints made under the AD Act and the <i>Human Rights Act 2019</i> (Qld).	To determine whether QHRC can accept the complaint and, if so, attempt to resolve it. To compile statistics and case studies to help improve services, use in publications and for education (in de-identified form)	Parties to the complaint; may be disclosed to a tribunal if complaint is referred or written agreement lodged; may be disclosed if welfare check needed or threat of harm to third party.
(c) Community engagement	Names, contact details, personal details, opinions, photos	To hold events, and to produce materials to promote the work of QHRC.	Attendance registers; providing information; incorporated into resources, social media posts, and other publications.	Personal information is only incorporated into resources, social media posts and other publications with consent.
(d) Research, reviews and projects	Names, contact details, demographics, experiences, views and opinions on issues within the scope of the research, review or project.	To undertake research, reviews or conduct projects relevant to QHRC's functions.	To understand more about the issues, to test and analyse the evidence received, and to inform the development of recommendations, reports and other resources.	Names and identifying details only shared and/or published in accordance with the purpose and guidelines established for the research, review or project and only with the consent of the individual.
(e) Intervention notices	Names, contact details, legal proceeding details, evidence.	To facilitate interventions in court proceedings by QHRC.	To assess whether QHRC should intervene in court proceedings.	Nil.
(f) Applications under IP and RTI legislation	Names, contact details, evidence of identity, details of information sought or to be amended.	To deal with applications made under the IP Act and the RTI Act.	To make decisions under the IP Act and RTI Act.	Names and details of information sought may be disclosed for third party consultation.

<b>Purpose</b>	<b>Type of information</b>	<b>Why is it collected?</b>	<b>How is it used?</b>	<b>How is it disclosed?</b>
(g) Training information	Names, contact details, employment details and relevant training requirements.	To coordinate and facilitate training.	To conduct training and improve the training service provided by QHRC and to compile relevant statistics for internal use and publication (in a de-identified form).	Nil.
(h) CCTV footage (Brisbane Office)	Images of individuals attending the Brisbane office.	To ensure the safety and security of the premises, staff and other visitors.	To monitor and maintain the security of staff and property.	For the purpose of assessing or investigating possible offences or incidents.
(i) Human resource management information	Name, date of birth, contact details, next of kin, diversity information, driver's licence, health information, visa status, criminal history check, training and development, photograph, qualifications, pay and other employment records.	To facilitate employment with QHRC.	Human resources management functions and to provide access to ICT systems, maintain network system performance and security, and emergency communications.	To entities who assist with QHRC employment including, the Queensland Department of Justice for a criminal history check, the ATO, and WorkCover Queensland where required.

Purpose	Type of information	Why is it collected?	How is it used?	How is it disclosed?
(j) Recruitment information	Names, contact details, applications for employment with the QHRC, referee information, diversity information if required for the role, panel notes.	To facilitate QHRC recruitment.	For the purpose of conducting the recruitment process and selecting employees.	To conduct referee checks for consideration by selection panel members.

## 6.6. Storage and destruction of personal information

QHRC takes reasonable steps to ensure that the personal information held is protected from misuse, interference or loss, unauthorised access, modification or disclosure (refer to QHRC data breach policy).

If the Commission no longer needs the personal information, it will destroy it or de-identify it unless:

- (a) the information is a public record that cannot be destroyed under the *Public Records Act 2023* (Qld) or
- (b) QHRC is required to retain the information under Australian law or a court or tribunal order.

## 6.7. Dealing with unsolicited personal information

If QHRC receives personal information that it did not ask for, it must decide whether or not it could have collected the information as part of its usual activities. In making this decision, it may use or disclose the unsolicited personal information.

If QHRC decides that it could have collected the personal information as part of its usual functions, it will treat the information in accordance with this policy, as if it had solicited the information.

If QHRC decides that it could not have collected the personal information and the information is not contained in a public record, it will destroy the information or ensure that it is de-identified.

## 6.8. Third party service providers

QHRC may engage third party service providers to perform one of its functions or services. QHRC binds all providers to abide by the QPPs in the same manner it is bound under the IP Act.

## 6.9. Accessing and amending personal information

An individual can apply to QHRC to:

- (a) access documents that contain their personal information and
- (b) amend documents that contain their personal information if they consider the information to be inaccurate, incomplete, out-of-date or misleading.

Information about the QHRC's information access and amendment scheme is available on the QHRC website.

## 6.10. Privacy breaches and complaints

A privacy breach occurs when QHRC does not comply with the QPPs as outlined in this document. All privacy breaches must be reported to QHRC's Privacy Officer. If the breach comprises a data breach or eligible data breach, it will be managed in accordance with QHRC data breach policy.

If an individual believes that QHRC has not dealt with their personal information in accordance with the privacy principles outlined above, they may make a privacy complaint. QHRC's customer complaint management policy provides information about how to make a privacy complaint and how it will handle the complaint. QHRC staff wishing to make a privacy complaint should refer to the QHRC employee complaints policy.

## 6.11. Other matters

In limited circumstances, QHRC may be subject to the *Privacy Act 1988* (Cth) but only in relation to the handling of Tax File Numbers, any information (including metadata) retained under section 187A of the *Telecommunications (Interception and Access) Act 1979* (Cth), or where it is bound by any contractual obligations which require compliance with the Australian Privacy Principles.

# 7. Definitions

Term	Meaning
AD Act	<i>Anti-Discrimination Act 1991</i> (Qld)
ASIO	Australian Security Intelligence Organisation
ATO	Australian Taxation Office
CCTV	Closed-circuit television
Commission	Queensland Human Rights Commission
Commissioner	Queensland Human Rights Commissioner
Data breach	The unauthorised access to, or unauthorised disclosure of information or the loss of information in circumstances where unauthorised access to, or unauthorised disclosure of, the information is likely to occur in accordance with schedule 5 of the IP Act.

<b>Term</b>	<b>Meaning</b>
Eligible data breach	A data breach involving personal information and likely to result in serious harm to an individual to whom the personal information relates.
ICT	Information and communication technology
Information Commissioner	Queensland's Information Commissioner
IP Act	<i>Information Privacy Act 2009</i> (Qld)
Personal information	Information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion: (a) whether the information or opinion is true or not, and (b) whether the information or opinion is recorded in a material form or not.
Privacy breach	A privacy breach occurs when QHRC does not comply with the QPPs as outlined in this document.
Privacy Officer	The Privacy Officer is a designated role at QHRC and can be contacted at <a href="mailto:privacy@qhrc.qld.gov.au">privacy@qhrc.qld.gov.au</a> .
QPPs	Queensland Privacy Principles
QHRC	Queensland Human Rights Commission
RTI Act	<i>Right to Information Act 2005</i> (Qld)
Sensitive information	Information or an opinion about an individual's: (a) racial or ethnic origin (b) political opinions (c) membership of a political association (d) religious beliefs or affiliations (e) philosophical beliefs (f) membership of a professional or trade association (g) membership of a trade union (h) sexual orientation or practices (i) criminal record (j) health information (k) genetic information that is not otherwise health information (l) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or (m) biometric templates
Serious harm	Serious harm to an individual in relation to the unauthorised access or unauthorised disclosure of the individual's personal information, includes, for example: (a) serious physical, psychological, emotional or financial harm to the individual because of the access or disclosure, or (b) serious harm to the individual's reputation because of the access or disclosure.

## 8. Reporting requirements

QHRC provides annual statistics about the following matters to the relevant entity or Minister administering the IP Act or RTI Act:

- (a) Access and amendment applications
- (b) Privacy complaints.

Eligible data breaches will be notified to the Information Commissioner in accordance with the QHRC data breach policy.

## 9. Related documents

1. *Anti-Discrimination Act 1991* (Qld)
2. Australian Privacy Principles
3. *Human Rights Act 2019* (Qld)
4. *Information Privacy Act 2009* (Qld)
5. *Privacy Act 1988* (Cth)
6. QHRC data breach policy
7. QHRC customer complaint management policy
8. QHRC employee complaints policy
9. Queensland Privacy Principles
10. *Right to Information Act 2005* (Qld)
11. *Telecommunications (Interception and Access) Act 1979* (Cth)

## 10. Document control

This document will be reviewed at least every 3 years or more frequently as required.

Version	Date	Author	Approver	Details
1.0	1 July 2025	Director, Corporate Services	Commissioner	New policy.