

Queensland Museum Network Privacy Guidelines

1. Introduction

The *Information Privacy Act 2009* (Qld) (IP Act) regulates how public sector agencies, including the Queensland Museum (QMN) must manage personal information collected in the course of providing services.

The IP Act creates an obligation to comply with the 11 Information Privacy Principles (IPPs) contained in Schedule 3 of the IP Act, the rules under which personal information may be transferred outside of Australia and the obligations regarding contracted service providers. In addition, Chapter 3 of the IP Act also contains a right for individuals to access and amend their own personal information.

The IPPs specify how personal information is to be collected, stored, secured, accessed, amended, used and disclosed by the Museum. In addition, IPP5 places an obligation on agencies to take reasonable steps to ensure that people are aware of the types of personal information collected and held by an agency, why that information is held, what it is used for, and how an individual can access their personal information.

This document is designed to meet the Museum's obligations under IPP5, and aims to provide information about:

- the Museum's structure;
- the types of personal information collected and held by the Museum
- the purposes for which personal information is collected, held and used by the Museum; and
- how you may access or amend your own personal information.

What is personal information?

Personal information is information about individuals. Personal information is defined in section 12 of the IP Act as:

“Information or an opinion, including information or an 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 reasonably be ascertained, from the information or opinion.”

It is not necessary for the information to be sensitive or confidential or for the information to directly identify an individual. Sometimes it is sufficient where the individual's identity will be obvious from the information itself or obtained through a series of steps, for example, by combining several pieces of information.

Personal information may be stored in a variety of media such as paper, an electronic database, correspondence, photographic or video images, digital form and audiotape.

Documents to which the Information Privacy Principles do not apply

The IPPs do not apply to a document that is a generally available publication, namely, a publication that is, or is to be made, generally available to the public.

Schedule 1 of the IP Act sets out other categories of documents to which the IPPs do not apply to the extent that the documents contain personal information. These include documents concerning:

- Covert activity (under the *Police Powers and Responsibilities Act 2000* and the *Telecommunications (Interception and Access) Act 1979* (Cth));
- Witness protection (under the *Witness Protection Act 2000*);
- Disciplinary actions and misconduct resulting from a complaint or investigation of the *Police Service Administration Act 1990*;
- Whistleblowers (under the *Public Interest Disclosure Act 2010*);
- Cabinet and Executive Council documents (under the *Right to Information Act 2009* (Qld) (RTI Act));
- Commissions of Inquiry;
- Information in a library, art gallery or museum for reference, study or exhibition;
- Public records under the *Public Records Act 2002* (Qld) in the custody of Queensland State Archives that are not in a restricted access period under that Act; and
- Postal material - a letter, or anything else, while it is being transmitted by post.

What are the Queensland Museum's obligations under the Information Privacy Act 2009?

Information Privacy Principles

The IPPs set out the Queensland Museum's obligations in relation to how personal information is to be collected, stored, secured, accessed, amended, used and disclosed. The IPPs deal with the following:

- Principle 1: Collection of personal information (lawful and fair)
- Principle 2: Collection of personal information (requested from individual)
- Principle 3: Collection of personal information (relevance etc)
- Principle 4: Storage and security of personal information
- Principle 5: Providing Information about documents containing personal information

- Principle 6: Access to documents containing personal information
Principle 7: Amendment of documents containing personal information
Principle 8: Checking of accuracy etc. of personal information before use by agency
Principle 9: Use of Personal information only for relevant purposes
Principle 10: Limits on use of personal information
Principle 11: Limits on disclosure

Third party service providers

This applies where the Queensland Museum enters into a contract or other arrangement for the provision of services associated with the performance of any of the Queensland Museum's functions. The Queensland Museum must take all reasonable steps to ensure that the service provider is required, in discharging its obligations under the contract or arrangement, to comply with the relevant obligations contained in the IP Act.

Transferring personal information overseas

The IP Act regulates the transfer of personal information to entities outside of Australia.

The Queensland Museum can only transfer information outside Australia if:

- the person agrees to the transfer; or
- the transfer is authorised or required by law; or
- there are reasonable grounds to believe the transfer is necessary in order to prevent or lessen a serious threat to the life, health, safety or welfare of an individual, or public safety and welfare; or
- two or more of the following apply:
 - the recipient is subject to binding privacy obligations that are substantially similar to the IPPs.
 - the transfer is necessary to perform the functions of the Queensland Museum in relation to the individual.
 - the transfer is for the benefit of the individual and it is not possible to seek their agreement, but if sought agreement would likely be given.
 - reasonable steps have been taken by the Queensland Museum to ensure the information is protected.

What does the Queensland Museum do?

Queensland Museum is custodian of the state's natural and cultural heritage, caring for more than a million items and specimens in collections that tell the changing story of Queensland.

The Queensland Museum delivers museum services across the state, through a network of public museums:

- Queensland Museum, Brisbane including the Science Centre
- The Workshops Rail Museum, Ipswich

- Cobb+Co Museum, Toowoomba
- Museum of Tropical Queensland, Townsville
- Museum of Lands, Mapping and Surveying, Brisbane (operated in partnership with the Department of Natural Resources and Mines)

Our expert services include:

- Research on a broad range of topics spanning biodiversity, geosciences, cultures and histories
- State-wide loans service
- Regional services program – Museum Resource Centre Network – providing professional and community support for collections and museums across the state
- Publishing business for wildlife, historical and children’s publications
- State-wide public Discovery centre
- Online learning resources for schools

The Queensland Museum is a statutory authority of Arts Queensland, governed by a Board of Trustees under the provisions of the Queensland Museum Act 1970.

Types of personal information held and collected by the Queensland Museum

The Queensland Museum collects and manages a wide range of personal information from people as part of performing its functions. The Queensland Museum collects and manages information about:

- clients/visitors;
- donors/bequests
- collection object information
- Queensland Museum employees, including prospective employees, volunteers, honories and contractors;
- representatives and employees of non-government service providers;
- representatives of organisations, local governments and members of Queensland Museum Board, Advisory Committees; and
- vendors and service providers.

The types of personal information collected may include:

- name and contact details
- date of birth
- signature
- photograph
- financial/bank details including,

- uniquely identifying number (i.e. Tax File Number, Driver's licence number etc)
- occupation and employment history
- criminal history
- collection object information
- scientific research
- contracts, agreements and outsourcing arrangements
- personal information systems
- complaints and their investigation
- recruitment information – which may consist of applications for employment with the client/visitor personal details
- records relating to referee checks, interview notes and selection panel assessments etc.
- personal information of donors that is received or collected in the course of describing collection information/ bequests
- personal information of staff members that is received or collected in the course of conducting human resource management functions
- personal information recorded by way of camera surveillance systems or electronic monitoring devices in Queensland Museum.

Why does the Queensland Museum collect personal information?

The Queensland Museum collects personal information that is necessary to fulfil its purpose and functions. The Queensland Museum is required to take reasonable steps to explain why personal information is collected, what is done with it, whether any law requires the collection and to identify other entities to which it may be disclosed. This may be provided in writing or given verbally.

What does the Queensland Museum do with information?

The Queensland Museum uses personal information in accordance with the purposes for which the information was collected, for example, to facilitate support in the provision of exhibition or events or to perform scientific research or collection management functions.

The Queensland Museum may obtain a person's consent or agreement to use or disclose personal information for a particular purpose other than that for which it was collected. The Queensland Museum may also be authorised or required by law (the IP Act and some other laws) to use or disclose personal information for particular purposes, for example, in the investigation of a criminal offence or in response to a court subpoena.

Access to and amendment of personal information held by the Queensland Museum

Except where access is restricted by law, the IP Act allows an individual to request access to their personal information or to amend their own personal information if it is inaccurate,

incomplete, out of date or misleading. Rights of access and amendment are dealt with in IPPs 6 and 7.

Personal information cannot be accessed by others, except as provided for by the IP Act and the *Right to Information Act 2009* or as required by other legislation.

Information held by QMN can be accessed in different ways. In some cases, access to personal information can be done informally, without the requirement for a person to make a formal application under the RTI Act or IP Act. However, in some situations, informal access will not be appropriate, and a formal application under the RTI or IP Act will be required.

Contact the QMN Privacy Contact Officer for access to QMN information, including your own personal information, or to request amendment of your own personal information.

Post: QMN Privacy Contact Officer
Queensland Museum
GPO Box 3300
South Brisbane Qld 4101

Telephone: (07) 3840 7555
Email: privacy@qm.qld.gov.au

Complaint and review procedures

If an individual believes that the Queensland Museum has not dealt with their personal information in accordance with the IPPs contained in the IP Act, they may lodge an information privacy complaint with the Queensland Museum. Privacy complaints made to the Museum must be made in writing and give particulars of the act or practice the subject of the complaint.

Privacy complaints need to be marked Private and Confidential and forwarded to:

Post: QMN Privacy Contact Officer
Queensland Museum
GPO Box 3300
South Brisbane Qld 4101
Email: privacy@qm.qld.gov.au

A request for review may take the form of a letter or email.

Claimants will be advised in writing of QMN's decision in relation to their claim.

If a claimant does not agree with QMN's decision they may request an internal review. The Chief Executive Officer(CEO) QMN will arrange for an internal review to be carried out by a more senior officer who has not previously been Involved in the matter. This will be done within 45 days. The CEO QMN will provide a response in writing to the individual.

A claimant may make a privacy complaint to the Office of the Information Commissioner if:

- at least 45 business days have elapsed since the complaint was made to the Queensland Museum; and
- they have not received a response from the Queensland Museum or they have received a response but considers the response not to be an adequate response.

More information about the Information Commissioner's privacy complaints process is available on the Commissioner's website: www.oic.qld.gov.au/privacy-complaints.

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