



# Privacy

POLICY | Version 3 | November 2021

## Objective

The purpose of this policy is to outline the responsibilities of the Crime and Corruption Commission (CCC) under the *Information Privacy Act 2009*.

## Relevant legislation

*Information Privacy Act 2009*

## Definitions

<b>CC Act</b>	means the <i>Crime and Corruption Act 2001</i>
<b>IP Act</b>	means the <i>Information Privacy Act 2009</i>
<b>IPPS</b>	means the Information Privacy Principles
<b>Personal information</b>	Has the meaning given to it in section 12 of the IP Act, i.e. 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 be reasonably ascertained, from the information or opinion.

## Application

This policy applies to all personal information collected, stored, used and disclosed by the CCC and its officers unless otherwise exempt under legislation.

Applications from the public to amend their personal information must only be processed by CCC officers with delegated authority.

## Policy statement

The CCC is committed to complying with the objects of the IP Act to provide for:

- the fair collection and handling of personal information
- the right of access to and the amendment of personal information in the CCC's possession, unless, on balance it is contrary to the public interest to release information.

## Fair collection and handling personal information

The IP Act contains 11 'Information Privacy Principles' in relation to the collection, storage, security, access, amendment, accuracy, use and disclosure of personal information (Schedule 3 of the IP Act). These IPPs operate subject to the provisions of other Acts, including the CC Act.

Agencies, including the CCC, are required to comply with the IPPs except where the legislation provides otherwise. Some of the exceptions applicable to the CCC are set out below.

### **CCC exemptions from the IPPs**

Many documents held by the CCC are excluded from the operation of the IPPs, including documents containing personal information:

- arising out of, or in connection with, a controlled operation or controlled activity under the *Police Powers and Responsibilities Act 2000* or the CC Act
- arising out of, or in connection with, the covert undertaking of an operation, investigation or function of a law enforcement agency
- obtained under a warrant issued under the *Telecommunications (Interception and Access) Act 1979* (Cth)
- about a person included in a witness protection program under the *Witness Protection Act 2000* or a person subject to other witness protection arrangements made under an Act
- arising out of a complaint under the *Police Service Administration Act 1990*, part 7
- arising out of a complaint, or an investigation of corruption, under the CC Act
- contained in a public interest disclosure or collected in an investigation arising out of a public interest disclosure under the *Public Interest Disclosure Act 2010*.

The CCC, as a law enforcement agency, is not subject to IPPs 2, 3, 9, 10 and 11 if the CCC is satisfied on reasonable grounds that noncompliance is necessary for the performance of CCC activities related to the enforcement of laws and the CCC's intelligence functions.

### **Amendment of personal information**

The CCC considers applications under the IP Act for amendment of personal information in CCC documents where an applicant claims the information is inaccurate, incomplete, out of date or misleading.

### **Human Rights Act**

The rights set out in the *Human Rights Act 2019* (Qld) include the right to privacy. In addition to meeting our obligations under the IPPs, the CCC will recognise and act compatibly with, the right to privacy.

### **Related documents**

- [CCC Information Privacy Plan](#)
- [Information Access: Right to Information and Information Privacy policy and procedure](#)