



Privacy Plan 2008

Department of Mines and Energy

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Information Standard 42 (IS42)

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For more information on this publication, contact the
Privacy Contact Officer (FOI and Privacy) on (07) 3247 3239 or at:

Department of Mines and Energy
PO Box 15216
City East Qld 4002

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Foreword

In late 2001 the Queensland Government introduced a privacy scheme within the public sector. The scheme is contained within Information Standard 42- Information Privacy 'IS42'.

Under the 11 information privacy principles contained in IS42, the Department of Mines and Energy will responsibly manage the collection, use, storage and disclosure of client and employee personal information.

The privacy scheme is to be implemented by an administrative process rather than by legislation and is based on the same principles that apply to the federal public sector under the *Commonwealth Privacy Act 1988*. The scheme creates rules about how personal information is collected, stored, used and disclosed. The aim is to protect both electronic and printed personal information about people from being lost, misused, inappropriately modified, or disclosed.

The purpose of this privacy plan is to provide members of the community and employees of the Department of Mines and Energy with a better understanding of our privacy responsibilities.

All Department of Mines and Energy employees dealing with personal information are expected to comply with the principles outlined in the plan.

DAN HUNT
Director-General

Date: 19 December 2008

Overview

Information Standard 42 (IS42) was introduced into the public sector on 13 September 2001 and has been issued under the authority of ss. 22(2) and 56(1) of the *Financial Management Standard 1997*. IS42 applies to:

- all accountable officers
- statutory bodies

as defined under the *Financial Administration and Audit Act 1977*.

The Queensland scheme, which is being implemented by administrative means rather than by legislation, is based on the eleven Information Privacy Principles of the *Privacy Act 1988 (Cwlth)*.

This departmental privacy plan seeks to inform the Queensland public and our staff about our commitment to IS42. It has been developed in a way that takes into account the diverse range of functions of the department's various divisional and operational units and aims to:

- guide members of the public to understand how personal information is managed in the department and how they can exercise their privacy rights in respect of the department's activities
- guide employees who deal with personal information on the requirements of the information standard
- advise clients and employees who to contact for further information regarding the management of privacy within the Department of Mines and Energy.

Personal information

What is personal information?

Information Privacy Principles (IPPs) are concerned with *personal information*, defined in IS42 (for the purposes of all Information Privacy Principles other than principles 6 and 7) 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'.

Essentially, personal information is any information that would enable a person to be identified. For example, personal information includes names, addresses, telephone numbers, dates of birth, employment information, medical records, biometric data, student records, disabilities or distinctive physical characteristics.

For the purposes of IPPs 6 and 7, personal information is limited to information concerning an individual's *personal affairs*. This term is given the same meaning as in the *Freedom of Information Act 1992 (Qld)*.

Personal information can be held in any form, including paper records, electronic records, video recordings, photographs and digital images.

What is not personal information?

Personal information does not include information about an individual that is contained in a publicly available publication. They include documents such as magazines, books, newspapers, newsletters, annual reports and the Queensland Government Gazette.

Although personal information about a deceased person is not technically considered personal information, Department of Mines and Energy employees are encouraged to respect the sensitivities of family members when using this information.

Exempt personal information

The following personal information is exempt from IS42.

Covert activity

- personal information about an individual arising out of or in connection with a controlled operation or controlled activity within the meaning of the *Police Powers and Responsibilities Act 2000*
- personal information about an individual arising out of or in connection with a covert undertaking of an operation, investigation or function of a law enforcement agency
- personal information about an individual arising out of a warrant issued under the *Telecommunications (Interception) Act 1979* of the Commonwealth.

Witness protection

- personal information about a witness who is included in a witness protection program under the *Witness Protection Act 2000* or who is subject to other witness protection arrangements made under other legislation.

Disciplinary actions and misconduct

- personal information about an individual arising out of a complaint made under Part 7 of the *Police Service Administration Act 1990*
- personal information about an individual arising out of an investigation of misconduct or official misconduct under the *Crime and Misconduct Act 2001*.

Whistleblowers

- personal information about an individual that is contained in a public interest disclosure within the meaning of the *Whistleblowers Protection Act 1994*, or that has been collected in the course of an investigation arising out of a public interest disclosure.

Cabinet and Executive Council documents

- personal information about an individual that is contained in a Cabinet or Executive Council document referred to in sections 36 and 37 of the *Freedom of Information Act 1992*.

Commissions of inquiry

- personal information about an individual arising out of a Royal Commission or commission of inquiry.

Additionally, the IPPs do not apply where the:

- authority to collect, use, store and disclose personal information has an overriding statutory base
- personal information concerns a deceased person
- personal information is publicly available.

Information Privacy Principles (IPPs)

There are 11 Information Privacy Principles (IPPs), adopted from the Commonwealth *Privacy Act 1988*. These principles aim to minimise the risk of misuse of personal information and allow people to exercise a reasonable degree of control over what happens to their personal information.

The IPPs establish standards for handling personal information—including collection; storage and accuracy; access and alteration and use and disclosure to third parties.

Staff of the department must comply with the IPPs unless an exemption applies.

A full copy of the IPPs is included in **Appendix A**.

Codes of practice

IS42 permits the development of privacy codes of practice. A privacy code of practice is a statement of how a public sector agency will perform a specific function and may modify the application of any one or more of the information privacy principles for that purpose.

As at October 2008, the department has not established any codes of practice for performing its obligations under IS42.

Privacy Implementation Plan

The implementation plan outlines the actions the department will take to address the obligations that IS42 imposes on the agency. The department's Freedom of Information and Privacy Unit will provide information about IPPs to departmental staff, and will assist in their implementation. However, **managers** and **directors** are responsible for establishing systems within their management area to ensure compliance with IS42.

The initial implementation of IS42 was undertaken prior to the formation of the Department of Mines and Energy in 2006, however the following actions will be ongoing to ensure continuous compliance with IS42:

- encourage staff awareness of privacy obligations through the Privacy Plan and Privacy and Security Statement available on the website
- inform staff of their privacy responsibilities through information sheets and guidelines currently on the department's intranet site and through privacy awareness training
- advise and support to departmental officers in applying IS42 to their specific business practices
- undertake ongoing review of notices, forms and questionnaires to ensure privacy compliance
- continuous review of contract and agreements to ensure privacy compliance
- undertake ongoing review of departmental activities to ensure privacy compliance

- review and evaluate privacy complaint handling mechanisms
- annually review and update privacy plan.

Legislation that supersedes privacy principles

The following legislation contains provisions which will supersede the privacy principles –

- *Coal Mining Safety and Health Act 1999* (Qld)
- *Explosives Act 1999* (Qld)
- *Freedom of Information Act 1992* (Qld)
- *Geothermal Exploration Act 2004* (Qld)
- *Mineral Resource Act 1989* (Qld)
- *Mining and Quarrying Safety and Health Act 1999* (Qld)
- *Petroleum and Gas (Production and Safety) Act 2004* (Qld)
- *Petroleum Act 1923* (Qld)
- *Petroleum (Submerged Lands) Act 1982* (Qld)
- *Public Records Act 2002* (Qld)
- *Electricity Regulation 2006* (Qld)

The department will continue to identify any other legislation that impacts on the privacy principles.

Policies relating to personal information

Issues of privacy are addressed in various policy documents that bind the department.

These documents include:

- Code of Conduct (Queensland Public Service)
- Information Standard 18 – Information Security
- Information Standard 40 – Recordkeeping
- Information Standard 42 – Information Privacy.

Legislation administered by the department

Acts

- *Alcan Queensland Pty Limited Agreement Act 1965* (Sch – except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)
- *Central Queensland Coal Associates Agreement Act 1968* (Sch pts II-III, VII-VIIA and VIII – (except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)
- *Century Zinc Project Act 1997* (sections 10)
- *Clean Coal Technology Special Agreement Act 2007*
- *Clean Energy Act 2008*
- *Coal and Oil Shale Mine Workers' Superannuation Act 1989*
- *Coal Mining Safety and Health Act 1999*
- *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)
- *Electricity Act 1994*
- *Electricity-National Scheme (Qld) Act 1997*
- *Energy Ombudsman Act 2006*
- *Explosives Act 1999*
- *Fossicking Act 1994*

- *Gas Pipelines Access (Qld) Act 1998*
- *Gas Supply Act 2003*
- *Geothermal Exploration Act 2004*
- *Gladstone Power Station Agreement Act 1993*
- *Lake Eyre Basin Agreement Act 2001*
- *Liquid Fuel Supply Act 1984*
- *Mineral Resources Act 1989 (except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)*
- *Mining and Quarrying Safety and Health Act 1999*
- *Mount Isa Mines Limited Agreement Act 1985 (except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)*
- *National Gas (Qld) Act 2008*
- *Nuclear Facilities Prohibition Act 2007*
- *Offshore Minerals Act 1998*
- *Petroleum Act 1923*
- *Petroleum and Gas (Production and Safety) Act 2004*
- *Petroleum (Submerged Lands) Act 1982*
- *Queensland Nickel Agreement Act 1970 (Sch pts II-III, VI & VII)*
- *Thiess Peabody Coal Pty Ltd Agreement Act 1962 (except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)*
- *Thiess Peabody Mitsui Coal Pty Ltd. Agreements act 1965 (except to the extent administered by the Minister for Sustainability, Climate Change and Innovation)*

Regulations

- *Coal Mining Safety and Health Regulation 2001*
- *Electricity Regulation 2006*
- *Energy Ombudsman Regulation 2007*
- *Explosives Regulation 2003*
- *Fossicking Regulation 1994*
- *Gas Pipelines Access (Qld) Regulation 2000*
- *Gas Supply Regulation 2007*
- *Geothermal Exploration Regulation 2005*
- *Gladstone Power Station Agreement Regulation 2004*
- *Mineral Resources Regulation 2003*
- *Mining and Quarrying Safety and Health Regulation 2001*
- *National Gas (Qld) Regulation 2008*
- *Petroleum and Gas (Production and Safety) Regulation 2004*
- *Petroleum Regulation 2004*

Classes of personal information and retention periods

To perform its functions, the department holds a wide range of personal information in both electronic and paper records. The main classes of personal information held by the department are outlined in **Appendix B**.

The disposal of departmental records is governed by the *Public Records Act 2002* (Qld).

The department has adopted the *General Retention and Disposal Schedule for Administrative Records* developed by Queensland State Archives as the template for its retention and disposal schedule. The schedule is located at www.archives.qld.gov.au/government/InformationStandard31.asp

Departmental managers must ensure that staff are aware of their responsibilities for the retention, storage and disposal of departmental records including personal information in

accordance with the *Public Records Act 2002* (Qld) and related schedules, the information privacy principles and the requirements of Information Standard 40 – Recordkeeping.

Public registers

A public register is a register of information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

The department maintains the following registers:

Registers maintained under the *Mineral Resources Act 1989*

Register of mining leases; exploration permits; prospecting permits; mining claims and mineral development licences

Registers maintained under the *Geothermal Exploration Act 2004*

Register of geothermal exploration permits

Registers maintained under the *Petroleum and Gas (Production and Safety) Act 2004*

Register of petroleum authorities; coordination arrangements; mortgages and subleases of petroleum authorities and gas work licences and authorisations

Registers maintained under the *Petroleum Act 1923*

Register of petroleum tenures; mortgages and subleases of 1923 Act petroleum tenures

Registers maintained under the *Petroleum (Submerged Lands) Act 2004*

Ministerial register of permits; licences; pipeline licences; and access authorities granted by the Minister

Registers maintained under the *Electricity Act 1994*

Registers maintained in relation to the Queensland Gas Scheme; accredited generator register; gas electricity certificate register; scheme participant register and liable load exemption register

Registers maintained under the *Gas Supply Act 2003*

Register of gas distribution and retail authorities

Contracts

The department regularly enters into contracts with external bodies for the supply of goods and services. Some of these contracts require the disclosure of personal information to third parties or the collection of personal information by third parties on behalf of the department.

All consultants and contractors engaged by the department must abide by the requirements of IS42 under the terms of their contract.

Any contracts entered into prior to the introduction of IPPs will not comply with the principles. When renewing existing contracts, and/or establishing new contracts that may involve the sharing or managing of personal information, the department will include a privacy clause in all relevant contracts in order to comply with IS42.

Employees may obtain a sample privacy clause from the Freedom of Information and Privacy Unit.

Responsibility for privacy in the department

The overall responsibility for privacy in the department resides with the Director-General. All staff within the department have a responsibility to ensure they comply with IS42 and the code of conduct. When dealing with personal information, departmental employees will comply with the information privacy principles outlined in this plan.

The day-to-day management of privacy has been delegated to the Freedom of Information and Privacy Unit. Managers and directors are responsible for establishing systems within their management area to ensure compliance with IS42.

Pursuant to IPPs 6 and 7, the department's Freedom of Information Coordinator is responsible for:

- requests to amend records
- requests to access records.

The department has appointed a Privacy Contact Officer who is the **first point of contact** for members of the public and other departments and agencies, as well as for privacy complaints.

Contact by email at privacy@dme.qld.gov.au or by telephone +61 7 3247 3239.

Access and amendment procedures

Information privacy principles 6 and 7 give individuals the right to access and amend their personal information. The right to access and amend personal information is limited to the rights of access and amendment available under the *Freedom of Information Act 1992* (Qld) for personal affairs information.

Applications for access to or amendment of records must be made in writing to the:

FOI Coordinator
Department of Mines and Energy
PO Box 15216
City East Q 4002

Applications should contain as much detail as possible about the records concerned and may be submitted on the FOI application form available from the website.
www.dme.qld.gov.au/freedom_of_information.cfm

If you have further questions about making an application, contact the FOI Coordinator on:

Tel +61 7 3247 3239 Fax +61 7 3239 6119
foi@dme.qld.gov.au

Complaint and review procedures

If a person considers that their personal information has not been dealt with in accordance with the privacy principles, they may make a complaint in writing to the department. The complaint should outline the basis for the complaint in as much detail as possible and must be made within six months of the date when the breach was suspected to have occurred.

Complaints should be marked Private and Confidential and forwarded to:

Privacy Contact Officer
Department of Mines and Energy
GPO Box 15216
City East Q 4002

Complaints will be acknowledged in writing within 14 days from the date when the complaint was received and processed within 60 days. The complainant will be advised in writing of the department's decision, including any remedies that are considered appropriate to resolve the complaint.

If the applicant does not agree with the department's decision, they can apply in writing to the Director-General for a review of the decision. Applications for review must be made within 28 days of the complainant receiving the initial complaint decision. Review applications should be marked to the attention of the Manager, FOI and Privacy at the address above.

The internal review will be carried out by an officer who is more senior than the initial decision-maker and who has not previously been involved with the matter. The officer will complete the internal review within 45 days of receipt of the application and will provide the applicant with a written response outlining the outcome of the review and any action taken.

Appendix A

Information privacy principles

The 11 information privacy principles are –

- IPP 1 – manner and purpose of collection of personal information
- IPP 2 – solicitation of personal information from individual concerned
- IPP 3 – solicitation of personal information generally
- IPP 4 – storage and security of personal information
- IPP 5 – information relating to records kept by record-keeper
- IPP 6 – access to records containing personal information
- IPP 7 – alteration of records containing personal information
- IPP 8 – record-keeper to check accuracy, etc., of personal information before use
- IPP 9 – personal information to be used only for relevant purposes
- IPP 10 – limits on use of personal information
- IPP 11 – limits on disclosure of personal information.

Information privacy principle 1

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - (a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector
 - (b) the collection of the information is necessary for or directly related to that purpose.
2. Personal information shall not be collected by a collector by unlawful or unfair means.

Information privacy principle 2

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication
- (b) the information is solicited by the collector from the individual concerned

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- the purpose for which the information is being collected
- if the collection of the information is authorised or required by or under law, the fact that the collection of the information is so authorised or required
- any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first-mentioned person, body or agency to pass on that information.

Information privacy principle 3

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication
- (b) the information is solicited by the collector

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:

- the information collected is relevant to that purpose and is up to date and complete
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Information privacy principle 4

A record-keeper who has possession or control of a record that contains personal information shall ensure:

- (a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse
- (b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Information privacy principle 5

1. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:
 - (a) whether the record-keeper has possession or control of any records that contain personal information
 - (b) if the record-keeper has possession or control of a record that contains such information
 - the nature of that information
 - the main purposes for which that information is used
 - the steps that the person should take if the person wishes to obtain access to the record.
2. A record-keeper is not required under clause 1 of this principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the State that provides for access by persons to documents.
3. A record-keeper shall maintain a record in the form of a privacy plan setting out:
 - the nature of the records of personal information kept by or on behalf of the record-keeper
 - the purpose for which each type of record is kept
 - the classes or types of individuals about whom records are kept
 - the period for which each type of record is kept

- the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access
 - the steps that should be taken by persons wishing to obtain access to that information.
4. A record-keeper shall make the record maintained under clause 3 of this principle available for inspection by members of the public.

Information privacy principle 6

Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorised to refuse to provide the individual with access to that record under the applicable provisions of any law of the State that provides for access by persons to documents.

Information privacy principle 7

1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:
- is accurate
 - is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.
2. The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the State that provides a right to require the correction or amendment of documents.
3. Where:
- (a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned
 - (b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provision of a law of the State

the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Information privacy principle 8

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Information privacy principle 9

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Information privacy principle 10

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:
 - (a) the individual concerned has consented to use of the information for that other purpose
 - (b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person
 - (c) use of the information for that other purpose is required or authorised by or under law
 - (d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue
 - (e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.
2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Information privacy principle 11

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:
 - (a) the individual concerned is reasonably likely to have been aware, or made aware under principle 2, that information of that kind is usually passed to that person, body or agency
 - (b) the individual concerned has consented to the disclosure
 - (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person
 - (d) the disclosure is required or authorised by or under law
 - (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.
2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.
3. A person, body or agency to whom personal information is disclosed under clause 1 of this principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

Appendix B

Personal information datasets

Generic corporate records

There are several categories of corporate records containing personal information that relate to all units of the department. They are:

- employee personnel records
- financial management system personal information
- information systems personal information
- contact lists/ mailing lists
- Ministerial and Director-General correspondence
- freedom of information applications.

Some of the above records are provided to our shared service provider Shared Service Agency who provides a corporate service to the department.

Shared Service Agency was formed on 1 July 2006 and provides a standardised corporate service to government. The functions undertaken by Shared Service Agency mainly relate to the generic corporate records relating to the following service delivery categories:

- financial services
- human resource management and development
- procurement services
- records management

Due to the commonality of the generic corporate records, they have been grouped together using the following generic descriptions.

Employee personnel records

The purpose of employee personnel records is to maintain employment history, payroll and administrative information relating to all permanent, contract and temporary staff of the department.

It should not be assumed that all records described are kept in a common storage facility. Separate security arrangements will typically apply, depending on the sensitivity of the information. Records may be located on the human resources computer databases HR Reporter and SAP HR and individual divisional and operational units of the department.

Employee personnel records may include the following personal information:

- attendance at work and overtime
- leave applications and approvals
- medical matters
- payroll and pay matters, including banking details
- tax file numbers
- declarations of pecuniary interests
- personal histories
- performance appraisals

- personal development and training
- library usage
- trade, skill and aptitude tests
- questionnaires and personnel surveys
- travel documentation
- personal welfare matters
- contracts and conditions of employment
- recruitment and relocation of staff
- character checks and security clearances
- work related accidents and injuries
- compensation matters
- rehabilitation matters
- discipline matters
- counselling matters
- allegations and investigation of alleged misconduct
- criminal convictions
- complaints and grievances
- recommendations for honours and awards.

Specific personal information held for each employee includes name, address, date of birth, occupation, employee identification number, gender, qualifications, equal employment opportunity group designation, citizenship details, next of kin, details of pay and allowances, leave details, time sheets and security clearance details.

Current and former employees and other persons (for example, spouses and next of kin who believe that the department's personnel records may also contain personal information about them) can obtain information regarding access to their personal information by contacting the supervisor of the relevant divisional and operational unit within the department that holds the information. If the unit's name is not known, individuals may contact the department's privacy contact officer at privacy@dme.qld.gov.au for further assistance.

The following staff have access to employee personnel records:

- executive and senior personnel management staff
- supervisors and members of selection committees (if applicable)
- the individual to whom the record relates.

Some personal information may also be accessed by contracted private companies or government agencies, such as the department's shared service provider, Shared Service Agency, in order to provide services, or to support and maintain human resource databases.

Personnel records are kept for varying periods of time according to the Queensland State Archives *General Disposal and Retention Schedule for Administrative Records*.

Where appropriate employee personnel records may be disclosed by the department to third parties including:

- Australian Taxation Office
- Q-Super
- Public Service Commission
- third parties such as banks and insurance companies (name and account numbers only).

Records relating to all current and former employees of the department may be stored on paper, microfiche and electronic media.

Financial management system personal information

The purpose of financial management system personal information is to process and account for expenditure and revenue. Records may be paper-based or electronic.

Personal information may include name, address and service or goods category and may also include information relating to creditors and debtors.

Financial management system personal information may be found on the department's financial accounting database (SAP) or within individual divisional and operational units of the department.

Access to this information is restricted to the finance administration staff in the relevant divisional, operational units of the department and the department's shared service provider, Shared Service Agency. Records are kept for varying periods of time according to the Queensland State Archives *General Disposal and Retention Schedule for Administrative Records*. Separate storage and security arrangements apply depending on which unit of the department holds the information and its sensitivity.

Financial management system personal information is not usually required to be disclosed by the department to third parties.

Information systems personal information

The department's information management systems and data networks routinely carry information about the core business of the department. It encompasses both internal electronic transactions and external transactions, including telephone, email, internet and government intranet activity.

Records may be paper-based or electronic.

The bulk of personal information held within that network environment will be described above, or in other parts of this plan which deal with personal information held by the department's divisional and operational units.

In addition to that material, there are some personal information records specifically tailored to IT system administration, namely IT system security identifiers and usage tracking records about staff users of the IT system that are held by central IT administrators and staff supervisors. Information collected is not personal in nature and staff are advised that their usage of IT systems may be monitored.

Contact and mailing lists

Divisional and operational units from all areas of the department maintain contact lists relating to:

- other departmental or State Government staff
- clients or stakeholders of the department
- suppliers and service providers for the purpose of communicating with them as required.

Contact lists may be paper-based or in electronic form and may include personal information such as name, street address, postal address, email address, telephone number and facsimile number.

They are retained according to the retention and disposal schedule approved by Queensland State Archives.

Contact lists are not disclosed by the department to third parties.

Ministerial and Director-General correspondence

Inwards correspondence addressed to the Minister, the Director-General or their staff on matters of official business may be referred to the department for consideration and preparation of advice and responses including outward correspondence. This correspondence may be paper-based or in electronic form and may be held in the Minister's Office, the Director-General's office or relevant divisional and operational units of the department.

Records include personal information related to any subject matter arising from portfolio responsibilities. Examples include names, addresses, personal opinions about public administration matters, occupational and organisational information about persons and any other matter that the correspondent wishes to convey including information about other Ministerial portfolios, the author or other identifiable third parties.

Departmental staff who have access to this correspondence are executive and senior officers, administrative staff who process the correspondence and departmental officers on a need-to-know basis. This information is not usually disclosed to other persons or organisations.

Records are retained according to the retention and disposal schedule approved by Queensland State Archives.

Freedom of Information

Personal information is collected when the department receives a Freedom of Information request or a request to amend personal information under the *Freedom of Information Act 1992* (Qld) from an individual.

Personal information for the purpose of information privacy principles 6 and 7 is limited to information concerning an individual's 'personal affairs' pursuant to the *Freedom of Information Act 1992* (Qld).

Personal affairs includes information which identifies a person or is about a person's family and marital relationships, relationships and emotional ties with other people, domestic or financial responsibilities, information about a person's date and place of birth, former surname (if there was one), former address (if there was one), or present address and information about legal status and medical condition. This however is not an exhaustive list of the types of information which may fall under the meaning of personal affairs.

Access to personal information is restricted to the FOI Unit staff and internal review officers. The recording of applicant personal details is in electronic form and paper-based. The records are kept in accordance with the requirements of Retention and Disposal Schedule approved by Queensland State Archives.

The information is given to:

- senior officers throughout the department and the Office of the Minister on a weekly basis (FOI status report)

- other agencies, if the application is to be transferred pursuant to the relevant sections of the FOI Act
- third parties pursuant to section 51 of the FOI Act (consent is sought from applicant before disclosing personal information such as name)
- the Information Commissioner if the applicant and/or a third party requests an external review of the FOI decision.

Further corporate and governance records

Internal Audit

The role of Internal Audit includes:

- the regular appraisal of departmental financial administration and its effectiveness having regard to the functions and duties imposed upon the Accountable Officer under section 36 of the Financial Administrative and Audit Act 1977
- The provision of value added audit services and advice to the Director-General, members of the Audit and Risk Management Committee and departmental management regarding its effectiveness, efficiency, appropriateness, legality and probity of the department's operations.

The functions of the Internal Audit Unit include carrying out financial and compliance audits, operational and performance audits, investigations, examinations and review as required. The performance of these reviews may lead to the creation and receipt of documents which may contain personal information.

Personal information held by the Internal Audit Unit is able to be accessed by officers employed by the Internal Audit Unit, members of the Audit and Risk Management Committee, and the Queensland Audit Office (QAO). Under section 85 of the *Financial Administrative and Audit Act 1977*, QAO officers have the power to access documents and property relevant to audit.

This information is kept for specified periods according to the provisions of the *General Disposal and Retention Schedule* issued by Queensland State Archives.

Legal Services

The Legal Services Unit provide legal and policy advice to the Minister for Mines and Energy, the Director-General, and other departmental officers on a wide range of matters. Legal Services also manages litigation involving the department or departmental officers and at times may refer matters to the Crown Law Office.

The performance of these functions may lead to the creation and receipt of documents which may include personal information relating to the legal advice and action such as:

- name, address, employment details, health records and identification records.

This information is maintained for reference and possible court action and is kept for specified periods according to the provisions of the *General Disposal and Retention Schedule* issued by Queensland State Archives.

Access to Legal Service records is strictly limited to staff employed by that unit.

Media and Communications

Media and Communications Unit provide marketing and communications services, media relations services, design and production services and manages communication governance to the department. In the delivery of these services personal information may be collected or received and may include:

- name and contact details of individuals wishing to receive information and publications
- name, signature and photograph of departmental staff, and others within the mining and energy industry that are used for publications and presentations created by the department.

This information may also be held in other areas of the department where it may have originated. Photographs may be provided to external clients where they are used for publications and presentations. Details of individuals seeking information is accessed by staff within the unit, publication subscriber information is provided to department's Sales and Information Centre, publishers, printers and Australia Post.

Business activity and service delivery records

These records relate to specific business activities undertaken by the following areas of the department and related energy portfolio:

- Policy and Operations
- Office of Clean Energy
- Technology, Exploration and Industry Development
- Safety and Health

Policy and Operations

Policy and Operations is responsible for the management of minerals and petroleum tenures systems, including native title and land access issues, and the management of the Abandoned Mine Land Program. Policy and Operations also develop policy for minerals and petroleum development and climate change. Although records held by this area are generally of a commercial nature some documents relating to the following may contain personal information:

- mineral, petroleum, gas and geothermal tenure information
- licence information under the *Explosive Act 1999* and the *Petroleum and Gas Act (Production and Safety) 2004*
- Residential Gas Installation Rebate Scheme information
- Drought Relief from Electricity Charges information

Mineral, petroleum, gas and geothermal tenure information

This information is used to administer tenures under the *Mineral Resources Act 1989*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *Petroleum (Submerged Lands) Act 2004*, the *Geothermal Exploration Act 2004* and the *Petroleum Act 1923* and includes:

- the name of the holder of a tenure
- objectors to the grant of the tenure
- the name of individuals who will carry certain environmental responsibilities in relation to the tenure.

This information is retained for the duration of the tenure, and then archived according to the schedule under the *Public Records Act 2002*.

Members of the public may access some of this information at the office of mining registrars under the Mineral Resources Regulation 1990. Officers employed by the department in the Statewide Services Division have access to this information.

In addition to the above, personal information is also used for the management of abandoned mine shafts under the Abandoned Mine Land Program. The information includes:

- the name, contact details and property description of individual providing the query regarding a possible abandoned mine shaft.

This information is accessible to officers of the Mining Industry Liaison Unit and may be provided to third parties such as contractors so that work may be carried out on abandoned mine shafts.

Licence information under the *Explosives Act 1999* and the *Petroleum and Gas Act (Production and Safety) 2004*

This is used for the administration of licences issued under these Acts, as well as the conduct of investigations and/or disciplinary proceedings. This information includes:

- the name and contact details of the licence holder
- the name and contact details of any witnesses to a disciplinary action
- the name and contact details of departmental Explosives and Gas Inspectors.

This information is retained for the duration of an individual's licence and then disposed of in accordance with the schedule under the *Public Records Act 2002*.

The information is accessible to officers of the Safety and Health Division.

Residential Gas Installation Rebate Scheme information

This information is used during the process of coordinating the development, evaluation and implementation of strategic policy initiatives related to the mineral and resource sector in Queensland.

In particular the information is used for the management and administration of the Residential Gas Installation Rebate scheme (the Scheme) and includes:

- the name, address and contact details of householders contacting the department to enquire about the Scheme
- details of householders applying for a rebate which includes the applicant's name, address, contact details, name of applicants gas supplier, gas account number, type of gas supply used, type of appliance replaced, type of gas appliance(s) installed, applicant's signature, proof of appliance installation, purchase receipt/tax invoice, rebate amount claimed and paid.

This information is kept for a minimum of three years following the appliance installation date and then archived in accordance to the schedule under the *Public Records Act 2002*.

The information is accessible to officers within the Policy Division.

Drought Relief from Electricity Charges information

This information is used during the process of coordinating the development, evaluation and implementation of strategic policy initiatives related to the mineral and resource sector in Queensland.

In particular the information is used for the management and administration of the Drought Relief from Electricity Charges and includes:

- details of farmers applying for the rebate which includes the applicant's name, address, contact details, copy of applicant's electricity bills, bank account details for EFT payment
- file notes that include the name, address and details about the nature of the farm

This information is kept for variable periods according to the content and then archived in accordance to the schedule under the *Public Records Act 2002*.

The information is accessible to officers within the Policy Division.

Office of Clean Energy

Renewable and smart energy initiatives information

This information is used during the process of coordinating the development, evaluation and implementation of strategic policy and program initiatives related to the clean energy sector in Queensland.

In particular the information is used for the management and administration of the Queensland Renewable Energy Fund, the Smart Energy Savings Fund, the Smart Energy Savings Program (SESP), the EnergyWise Program and the Solar Bonus Scheme and includes:

- the name and contact details of interested parties in the above funds, EnergyWise and the Solar Bonus Scheme and details of organisations required to participate in the SESP and their relevant contact officers
- the name, contact details, employment details or expertise of technical experts used by the area.

This information is kept for variable periods according to content and then archived in accordance to the schedule under the *Public Records Act 2002*.

The information is accessible to officers within the Office of Clean Energy.

Technology, Exploration and Industry Development

This information is used for the purpose of supporting and facilitating the exploration, innovation, sustainable development, and management and use of Queensland's mineral and energy resources. Although records held by this area are generally of a commercial nature some documents relating to the following may contain personal information:

- technology development and industry development information
- geological survey information
- energy sector monitoring information.

Technology development and industry development information

This information is used to provide industry with up to date information for developing technologies which target emission reduction, electricity generation and the development of clean energy technologies and includes:

- the name and contact details of individuals and stakeholders making enquiries or seeking publications for business development or future technologies.

This information is kept for specified periods according to the provisions of the *General Disposal and Retention Schedule* issued by Queensland State Archives.

The information is accessible to officers within the Future Technologies Division or Industry Development Division, and the Deputy Director-General Technology, Exploration and Industry Development.

Geological survey information

This information is used to provide industry and government with the technical expertise to support the mineral, coal, coal seam gas, petroleum and gas, carbon dioxide capture and storage, and geothermal and includes:

- the name and contact details of registered users of the Queensland Digital Exploration Records System (QDEX)
- the name and contact details of individuals wishing to receive Geoserve publications and workshop details.

This information is kept for specified periods according to the provisions of the *General Disposal and Retention Schedule* issued by Queensland State Archives.

The information is accessible to the Manager and staff of the QDEX system.

Energy sector monitoring information

This information is used to manage regulatory processes and provide advice with respect to the processes for the electricity and natural gas industry. It may also be used in functions such as monitoring the operational performance of the six government-owned energy corporations (GOC) and includes:

- name and contact details of individuals with queries on electrical transmission, distribution and generation
- name and contact details of individuals applying for electricity and gas licences
- name and contact details of individuals affected by land designation for community infrastructure
- name, nature of complaint and contact details of complainants to the department.

This information is kept for variable periods according to type, and the applicable provisions of the *General Disposal and Retention Schedule* issued by Queensland State Archives.

The information is accessible to officers within the Energy Sector Monitoring Division.

Safety and Health

Mines safety and health information

This information is used in the process of undertaking the department's responsibilities for safety and health standards in the mining, explosives, petroleum and gas industries, and public health associated with the use of gas and fireworks. Some information is used so that

applicants may be assessed by the Boards of Examiners, for certificates of competency under the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*.

It may also be used by the Safety in Mines Testing and Research Station (Simtars) when providing specialist services in worker health and safety, research, and testing equipment for use in hazardous locations.

Mines safety and health information includes:

- the names of individuals injured in high potential incidents
- the names of office bearers under the *Coal Mine Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999*
- the names of witnesses to accidents reported and investigated under these Acts
- information about the health and welfare of individual coal mine workers collected under the Coal Mine Workers Health Scheme
- the name, contact details, date of birth, proof of Identity and competencies of individuals applying for a certificates under the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999*
- the names and contact details of Simtars clients.

This information is retained under the *Public Records Act 2002*, and is not disposed of.

It is accessible only to officers employed by the department in the Safety and Health Division. The Coal Mine Workers Health Scheme information is only accessible by officers who are directly involved in the administration of that scheme. Information collected for the purpose of assessment for certificates of competency is provided to the Boards of Examiners, and also accessible to officers of the department involved in the assessment and examination process.

Appendix C

Privacy and security statement on website

The following privacy and security statement appears on the Department of Mines and Energy website.

Your Privacy

The Department of Mines and Energy is committed to protecting user privacy. We understand that visitors and users of this website may be concerned about their privacy, and the confidentiality and security of any information that is provided.

To address community concerns about unauthorised use of personal information, the Queensland Government has established a privacy regime based on 11 Information Privacy Principles (contained in Information Standard 42) that regulate how personal information is collected, stored, used and disclosed by the public sector. The aim is to protect both electronic and printed information relating to individuals from being lost, misused or inappropriately modified or disclosed.

Personal information is defined 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'.

A copy of Information Standard 42 can be accessed at www.governmentict.qld.gov.au/02_infostand/standards/is42.pdf

Information collected on this website

When you visit this website our standard web logs record your visit, log certain information for statistical purposes and assists the department to improve the usefulness of the site. The types of information that may be collected are:

- the type of browser you are using
- your traffic patterns through our site such as
 - the date and time of your visit to the site
 - the pages you accessed and documents downloaded
 - the previous page you visited prior to accessing our site
 - the Internet address of the server accessing our site
 - the pages accessed and documents downloaded.
- No attempt is or will be made to identify your personal details except, in the event of an investigation, when a law enforcement agency may exercise a warrant to inspect activity logs.

Cookies

Some Queensland Government websites use cookies to provide customised online payment facilities for government services only. If you wish to use these facilities you will need to accept cookies. If you have configured your browser to reject all cookies, you will still be able to view information-only pages on these sites.

Personal and financial information provided when you purchase an item or renew a licence is protected at all stages of the transaction.

What is a cookie?

A cookie is a short piece of data which is sent from a web server to a web browser on the user's machine when the browser visits the server's site. The cookie is stored on the user's machine as an historical identifier. It is not however, an executable program and cannot do anything to your machine.

A server cannot find out a name or email address, or anything about a user's computer, by using cookies and cookie information is not stored or collected by the department.

Security of Queensland State Government websites

The Queensland State Government applies a range of security controls to protect its websites from unauthorised access. However, users should be aware that the World Wide Web is an insecure network that gives rise to a potential risk that a user's transactions are being viewed, intercepted or modified by third parties or that files which the user downloads may contain computer viruses, disabling codes, worms or other devices or defects.

The Queensland State Government accepts no liability for any interference with or damage to a user's computer system, software or data occurring in connection with or relating to this website or its use. Users are encouraged to take appropriate and adequate precautions to ensure that whatever is selected from this website or related sites is free of viruses or other contamination that may interfere with or damage the user's computer system, software or data.

Links to external websites

This web site contains links to other sites that are external to the Department of Mines and Energy. The department takes care in linking web sites but has no direct control over the content of the linked web sites, or to the changes that may occur to the content on those sites. It is the responsibility of the user to make their own decisions about the accuracy, currency, reliability and correctness of information contained in linked external websites.

Email and Feedback

Email correspondence sent to this site is subject to the *Freedom of Information Act 1992* and will be treated as a public record and retained as required by the *Public Records Act 2002* and other relevant Acts and regulations.

We will not add any details from your email to a mailing list, unless authorised, and we will not disclose these details to third parties without your consent, unless required by law.

Although every effort will be made, the Department of Mines and Energy cannot guarantee to reply to emails. Some emails received through this website may be forwarded to departmental officers for appropriate action.

Email messages may be monitored by the department for system trouble shooting and maintenance purposes.

Surveys

At times you may be asked to complete survey questionnaires that appear on departmental sites. These may include your providing identifiable information. If you agree to participate in these surveys, you will be asked to review and accept certain additional terms and conditions

relating to the use of the information you furnish. You will be given the reasons for the collection of such information and the purpose for which it will be used.

Contact

If you have any queries about our privacy and security practices, please contact the Manager, Freedom of Information and Privacy on (07) 3247 3239.

Disclaimer

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The information is provided solely on the basis that readers will be responsible for making their own assessment of the matters discussed herein and are advised to verify all relevant representations, statements and information.

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