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Privacy complaint procedure

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Audience

All staff, including contractors and volunteers.

Purpose

This procedure provides information about the process for responding to a privacy complaint made to the QO under the *Information Privacy Act 2009 (IP Act)* and the tasks and responsibilities to be undertaken.

Application

This procedure applies where a privacy complaint is made to the QO.

Responsibilities

The following officers have responsibilities in implementing this procedure:

Officer	Responsibilities
All employees	<ul style="list-style-type: none"> Provide information and assistance to a person indicating that they want to make a privacy complaint. Report the making of a privacy complaint as soon as possible
Advisor, Right to Information and Privacy (Advisor, RTI/IP)	<ul style="list-style-type: none"> Manage privacy complaints made to the QO Prepare and provide a response to privacy complaints made to the QO Manage privacy complaints which progress to the OIC Maintain Privacy and data breach register Provide privacy advice Provide training to staff
Emergency response team	<ul style="list-style-type: none"> Manage privacy complaints that are assessed being about a 'major data breach' under the <i>Data and privacy breach procedure</i> Endorse responses to privacy complaints that are about major data breaches
General Counsel	<ul style="list-style-type: none"> consult with Advisor, RTI/IP on managing privacy complaints approve responses to privacy complaints made to the QO identify legal obligations and provide advice Manage privacy complaints which have progressed to QCAT

Requirements

An individual can make a privacy complaint about an act or practice of the QO in relation to their personal information that may be a breach of our obligations under the IP Act to comply with the Queensland Privacy Principles (QPPs).

Making a privacy complaint

A privacy complaint made to the QO must:

- be in writing
- state an address to which the QO may respond to the complainant
- give particulars of the act or practice the subject of the complaint
- be made within 12 months after the complainant becomes aware of the act or practice the subject of the complaint. The QO may agree to a longer period if satisfied the extension is reasonable in the circumstances.

Our complainants have diverse needs, and come to us with a range of abilities, personal circumstances and vulnerabilities. If a complainant expresses difficulty in meeting the above requirements, this should be communicated to the Advisor, RTI/IP, who will consider whether it is appropriate to make reasonable adjustments to our processes (in consultation with General Counsel). We will give reasonable help to put a complaint in writing.

Complainants may advise us if they require interpretation or translation services or access to the National Relay Service and teletypewriter services. If complainants require some assistance in making their complaint, they may call (07) 3005 7000 and ask to speak to the Advisor, RTI/IP about their concerns.

A privacy complaint can be forwarded to our postal address or emailed to rtiandprivacy@ombudsman.qld.gov.au.

Managing a privacy complaint

Any QO staff member who becomes aware of a potential or actual privacy complaint being made should report it as soon as possible to their manager and the Advisor, RTI/IP or General Counsel.

QO will acknowledge the complaint as soon as practicable, within five working days.

The complaint will be managed under the *Data and privacy breach policy and procedure*. Under this procedure, a summary of the key steps are as follows:

- Identify that a breach has occurred
- Contain the breach
- Assess the breach
- Evaluate the risks associated with the breach
- Make required appropriate notifications; and
- Prevent further breaches.

If the breach involves a major data breach, the matter will be referred to the Emergency Response Team after the initial assessment under the *Data and privacy breach policy and procedure*.

A response to the complaint must be provided in writing to the complainant within 45 business days (or longer, if QO asks the complainant for a longer period). The QO's response may include:

- an apology

- an explanation of what happened and steps that are being taken to prevent it from recurring;
- an undertaking not to repeat the action constituting the breach
- practical assistance to deal with the consequences of the breach.
- a change to work responsibilities, systems, practices, policies, or procedures

The response is prepared by the Advisor, RTI/IP, and approved by General Counsel (except where this cannot occur due to issues such as resourcing or conflicts of interest). In preparing a response, the Advisor, RTI/IP should consult with the relevant members of the Executive Leadership Team. For a major data breach, the response must also be endorsed by ERT.

If the complainant does not receive a response to their complaint from QO within 45 business days (or within the longer period requested), or they consider the response to be inadequate, they may complain to the Privacy Commissioner.

Definitions

Term / Acronym	Definition
Advisor, RTI/IP	Advisor, Right to Information and Privacy
IP Act	<i>Information Privacy Act 2009</i>
QPPs	Queensland Privacy Principles
OIC	Office of the Information Commissioner
QCAT	Queensland Civil and Administrative Tribunal

Policy documents

Related policy documents:

- GOV-005 2024 P *Data and privacy breach policy*
- GOV-005 2024 PR2 *Data and privacy breach procedure*
- GOV-005 2024 PR1 *QPP privacy policy*

Related documents

- *Ombudsman Act 2001* (refer to s 92)
- *Inspector of Detention Services Act 2022* (refer to s 30)
- *Information security policy (IS18:2018)*
- *QGEA Information security incident reporting standard*
- *ICT Incident Management Policy and Procedures*
- *Complaints Management System Policy*
- *Prevention and management of fraud and corruption policy and procedure*

Policy owner

General Counsel

Approval

Action	Officer	Date
Author	Alex Andrews Advisor, Right to Information and Privacy	19 / 02 / 2025
Endorsed	Christine Jones General Counsel	25 / 2 / 2025
Approved and authorised for external publication	Anthony Reilly, Queensland Ombudsman and Inspector of Detention Services	25 / 2 / 2025

Document control

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1	Draft	13 / 02 / 2025
2	Final	25 / 02 / 2025
3	Amendments to implement legislative changes made by the <i>Information Privacy and Other Legislation Amendment Act 2023</i> , coming into force on 1 July 2025.	1 / 7 / 2025