



# Code of Practice

**privacy**



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## Privacy Code of Practice

### *Information Privacy Act 2009*

#### **1 Introduction**

This Code of Practice is made by the Queensland Law Society in fulfilment of its obligations under the *Information Privacy Act 2009* (the IPA).

This Privacy Code of Practice is part of a suite of documents developed by the Society in relation to its obligations and the rights of individuals under the IPA. The suite of documents comprises:

- 1 the Privacy Code of Practice;
- 2 the Privacy Plan; and
- 3 the Privacy Statement.

The Code sets out the strategies and procedures the Society will adopt with respect to its obligations for the collection, use, security and disclosure of personal information under the IPA.

The Privacy Plan complements the Code and sets out the process for individuals to obtain access to their personal information and to request amendment to their personal information to ensure that it is accurate, up to date and complete.

The Privacy Statement alerts individuals of the obligations of the Society and of their rights and refers them to the Code and the Plan which will provide them with greater detail.

The Queensland Law Society is an agency obliged to comply with the provisions of the Information Privacy Principles (IPPs) which are set out in the IPA.

This Code of Practice is designed to make clear what standards and procedures will be complied with by the Queensland Law Society in its compliance with the IPA requirements.

The Queensland Law Society regards the IPPs as constituting a minimum standard of privacy protection. This Code of Conduct will be reviewed on an ongoing basis by the Queensland Law Society with a view to further refinements as necessary based on the Law Society's experiences in implementing the provisions of the IPA generally and the IPPs in particular.

#### **2 'Personal information'**

Section 12 of the IPA defines 'personal information' to be:

*'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'.*

#### **3 Unsolicited personal information**

Where the Law Society receives unsolicited personal information from any source it will not:

- keep or retain the documents or other medium containing the personal information; or
- record the personal information,

unless:

- it first identifies a purpose directly related to a Law Society function or activity; and
- establishes that the personal information in question is necessary for or directly related to that purpose.

The documents or other medium within which the personal information is contained will be returned, wherever practicable, to the source of the documents or other medium if the personal information is not being kept or recorded by the Law Society.

Where the documents or other medium contain personal information which is to be recorded by the Law Society, the Law Society will:

- (a) record the personal information which is relevant and necessary; and
- (b) either:
  - (1) file the documents or other medium; or
  - (2) where practicable, return the documents or other medium to the source.

## **4 Solicited personal information**

Where the Law Society solicits personal information from any person it will do so, wherever possible, by requiring the person providing the personal information to provide the personal information in writing or by some other permanent recording means, such as keying the information into a computer. This will be done to:

- ensure that the person providing the personal information is aware of what personal information is being provided; and
- minimise the risk of error in transcribing or keying the spoken word.

On all occasions when obtaining personal information by solicitation, the Law Society will inform the person providing the personal information in writing of the following:

- (a) the purpose for which the Law Society is collecting the personal information;
- (b) if the collection of the personal information is authorised or required by law, the fact that it is so authorised or required;
- (c) the identity of any person to whom or any body or agency to which it is the Law Society's usual practice to disclose that personal information; and
- (d) where the provisions of (c) above apply, the identity of any person to whom or body or agency to which it is the usual practice of the first recipient to pass on that information.

All standard forms and pro forma documents, whether paper or electronic or any other medium, which contain provisions for any person to provide personal information to the Law Society will state, in plain English, the following:

- (a) the purpose for which the Law Society is collecting the personal information;
- (b) if the collection of the personal information is authorised or required by law, the fact that it is so authorised or required;
- (c) the identity of any person to whom or any body or agency to which it is the Law Society's usual practice to disclose that personal information; and
- (d) where the provisions of (c) above apply, the identity of any person to whom or body or agency to which it is the usual practice of the first recipient to pass on that information.

## 5 Fairness in collection of personal information

In collecting personal information, whether by solicitation or otherwise, the Law Society will not:

- 'trick' individuals into giving information; or
- exert pressure on individuals in order to obtain personal information; or
- mislead individuals who are providing the personal information.

The Law Society will not mislead people giving personal information to it by doing any of the following:

- misleading as to the identity of the person collecting the information;
- misleading as to the confidentiality of the information being sought;
- misleading as to possible benefits from giving information;
- misleading as to the consequences of failure to provide the personal information; or
- misleading as to indicating that collection of information is compulsory when its provision is voluntary only.

To avoid the above, the Law Society will advise individuals, when collecting the personal information, of all of the following:

- the identity of the Law Society employee or agent collecting the personal information;
- consequences, good or bad, of failure to provide the personal information; or
- providing wrong information.

Wherever practicable, the Law Society will collect personal information, whether by solicitation or otherwise, only from the person to whom the personal information being collected relates. As a general practice, the Law Society will regard collection of personal information from any other person or source as being *prima facie* unfair, but will acknowledge that circumstances can arise in which collection from a third party or source is the only practicable means of obtaining personal information which the Law Society needs to collect.

The Law Society will not, in any event, collect personal information about a person where:

- (a) the collection itself is unlawful; or
- (b) where the means of collection would be unlawful.

The Law Society will not collect personal information, whether by solicitation or otherwise, if having control of, or having access to, the personal information is no more than 'convenient' for the Law Society's purposes. The personal information will be collected only if it is 'necessary for' or 'directly related to' the Law Society's purpose or purposes.

## 6 Identifying information

Where the Law Society collects information for a survey or similar reason, it will not ask respondents to provide identifying information except where identifying information is required under legislation such as the IPA or the *Right to Information Act 2009* (RTI Act) for the purpose of processing applications under those Acts.

In particular, the Law Society will not collect or solicit the following information:

- individuals' tax file numbers (except in relation to staff of the Law Society);
- drivers' licence numbers (except in relation to applications under the IPA or the RTI Act);
- passport numbers (except in relation to applications under the IPA or the RTI Act);

- credit card numbers (except where necessary to process payments made by a debtor by credit card);
- Medicare numbers;
- car registration numbers (except in relation to staff of, or visitors to, the Law Society where required);
- information about convictions of individuals where this might have implications for:
  - o the Spent Convictions Scheme; and
  - o witness protection schemes or similar arrangements.

## **7 Advice where personal information is solicited**

The Law Society will, when soliciting personal information from any person for the purposes of inclusion in a record or a generally available publication, ensure that the person from whom the personal information is being collected is aware of the following:

- (a) the purpose for which the Law Society is collecting the personal information;
- (b) if the collection of the personal information is authorised or required by law, the fact that it is so authorised or required;
- (c) the identity of any person to whom or any body or agency to which it is the Law Society's usual practice to disclose that personal information; and
- (d) where the provisions of (c) above apply, the identity of any person to whom or body or agency to which it is the usual practice of the first recipient to pass on that information.

The above information will, ideally, be provided to the person from whom the personal information is being solicited at the time of obtaining that personal information.

Where the Law Society plans or envisages the collection of personal information by solicitation, it will organise and administer the collection process in such a way as to ensure that the above details can be given to the person providing the personal information at the time of collection. Where this is not possible or not practicable, and where, on balance, it appears to the Law Society to be reasonable that the personal information be collected as a matter of urgency or priority, the Law Society will, after collecting the personal information, ensure that the details indicated above can be communicated to the person who provided the personal information at the earliest practicable time after that collection.

The Law Society will ensure that the person providing the personal information is advised of the following:

- (a) any regular or ongoing arrangement to give
  - all; or
  - only some,
 of the personal information to a third party; and
- (b) providing personal information to a third party where, although there is no regular or ongoing arrangement, such a provision is reasonably predictable at the time of collection of the personal information.

## **8 Identity of third parties**

The Law Society will, as a general rule, identify the names of the organisations to which it usually passes, or is likely to pass, the personal information.

Where the personal information is passed to persons or groups who can only be identified generically or by description of class, the Law Society will ensure that a detailed description of those classes of persons or bodies is made available.

## **9 Non-intrusiveness of collection**

When the Law Society is collecting personal information, particularly in relation to employees and practitioner members, it will not, as a normal practice, seek to obtain the following categories of information:

- medical history;
- personal relationships;
- sexual preferences;
- individuals' financial positions;
- political views or affiliations; or
- religious or philosophical beliefs or associations.

The Law Society recognises that, in some instances particularly in relation to Law Society employees, some information about medical history and possibly financial circumstances may be directly relevant to practical aspects of the employment relationship. However, the Law Society will not seek this information on a routine basis.

## **10 Security**

All employees of the Law Society are required to comply with internal requirements concerning access to personal information. Employees will be vigilant in ensuring that no staff members receive unauthorised access to personal information.

All personal information which is stored in hard copy will be kept in secure lockable containers.

All personal information which is held in hard copy will be held on files which have an appropriate 'personal information – confidential' classification which will be clearly marked on the front of the file.

All personal information which is stored electronically is subject to computer password control.

The Law Society's Information Systems Department section will conduct random audits and monitoring to ensure that any instances of unauthorised access can be detected and remedial action taken.

The Law Society will, however, seek medical history information where that information is relevant to a practitioner's suitability to hold, or to continue to hold, a practising certificate.

## 11 External service providers

Where it is necessary for the Law Society to give external service providers access to either:

- hard copy stored personal information; or
- electronically stored personal information,

the external service provider will be advised and reminded as necessary of the Law Society's obligations to ensure strict protection of personal information. The Law Society will not, as a matter of practice, enter into external service provider contracts or arrangements without first satisfying itself that the proposed external service provider is capable of providing the contracted service in a manner consistent with the Law Society's obligations under the IPPs. All external service provider contracts will contain specific provisions to ensure that the external service provider complies with the IPPs.

As part of the Law Society's contract management practice, careful attention will be given to monitoring the external service provider's provision of the services in a manner consistent with the IPP requirements.

## 12 Access to personal information

Persons seeking access to personal information or to amend personal information may apply in the approved forms under the provisions of the IPA or may apply administratively, in writing to the Law Society and not under the IPA. The approved forms can be found in the privacy section of the Law Society's website ([www.qls.com.au](http://www.qls.com.au)) or at [rti.qld.gov.au](http://rti.qld.gov.au).

Details about how members, the public, practitioners, staff, contractors and consultants can access their personal information can be found in the Society's Privacy Plan.

## 13 Right to information and other laws

Laws such as those contained in the provisions of the IPA and the RTI Act may provide a legal basis for the Law Society's withholding or refusing to provide personal information. The Law Society will not rely on such laws purely as a matter of principle. However, personal information will not be disclosed where the Law Society does not consider it to be in the public interest to make the personal information available and where laws authorising the withholding of personal information apply. Where this involves the refusal to provide personal information to an individual, the Law Society will inform an individual of the basis on which it withholds access to personal information.

The Law Society has a Privacy Plan which has been approved by its Council. This Privacy Plan is monitored and regularly updated.

The Privacy Plan includes the following information:

- details of the nature of personal information held by the Law Society;
- the purpose for which all personal information is held;
- the categories of individuals in respect of whom personal information is held including Law Society staff and legal practitioners, whether or not they are members of the Law Society;
- details of persons who are entitled to have access to the personal information; and
- details of how individuals may obtain access to personal information held about them.

## **14 Privacy plan**

The Privacy Plan may be inspected at the Law Society's offices at 179 Ann Street, Brisbane in the State of Queensland.

The Privacy Plan is also accessible on the Law Society's website at [www.qls.com.au](http://www.qls.com.au).

## **15 Accuracy**

As indicated elsewhere in this Code of Practice in relation to relevance, currency and completeness, the Law Society will, as part of its routine administrative procedures, review and monitor the accuracy of all personal information held or controlled by it. Where, for example, it becomes apparent to Law Society staff that there may be changes required to maintain accuracy of the personal information, this will be attended to as a matter of routine.

If necessary, the Law Society will contact the individual concerned and seek confirmation of the accuracy of the Law Society records.

Without limiting the scope of the above tasks, the Law Society will:

- take into account the purpose for which the personal information was originally collected;
- review the relevance of the personal information to the Law Society's tasks and responsibilities;
- ensure that where information may be incomplete, gaps in the extent of the information are checked for completeness and for the possibility that the information may be misleading.

These provisions apply only in respect of personal details of the individual, and not in respect of details such as a staff members' employment performance or details about a solicitor's professional behaviour or performance.

## **16 Right to information laws**

The Law Society is not obliged to correct or annotate records beyond the requirements provided under the IPA or the RTI Act.

## **17 Requests for amendment of records**

An individual may request the Law Society to amend the records containing personal information about the individual as provided under the IPA, this Code of Practice and the Privacy Plan.

If the Law Society, in accordance with the stated processes, does not amend the record, the individual may request the Law Society to attach or include a statement provided by the individual.

Where the Privacy Contact Officer receives from an individual a request to include a statement pursuant to IPP 7.4, the Privacy Contact Officer will take the necessary steps to ensure that the statement is so included.

The Law Society will use personal information only for lawful and relevant purposes as discussed elsewhere in this Code of Practice. The monitoring requirements to ensure relevance, currency and completeness as provided under IPP 3 will guide the Law Society's conduct and activities in relation to ensuring only accurate, up to date and complete personal information is used in a document or generally available publication.

The Law Society will use its best endeavours to ensure that personal information which is collected by means other than solicitation (to which IPP 3 specifically applies) is dealt with in the same manner as solicited information.

## **18 Relevance of purpose**

The Law Society will not use personal information contained in any of its records for irrelevant purposes.

This does not mean that, at each instance of use of personal information, the Law Society must 'consciously' check for relevance. Rather, use of personal information for purposes other than relevant purposes will be a consequence of matters including:

- collecting, whether by solicitation or otherwise, only information that is relevant for a Law Society purpose as provided in IPP 1;
- ensuring that the Law Society performs only those tasks that are relevant to its particular functions as a Law Society and as provided in the *Legal Profession Act 2007*;
- ensuring that the individual divisions or administrative units within the Law Society generally have access only to information that is relevant to their particular functions within the Law Society.

As indicated elsewhere in this Code of Practice, practices such as monitoring of access to information by IT personnel will enable the Law Society to identify possible instances where personal information is being used for purposes other than relevant purposes.

## **19 Consent to alternative use**

The Law Society will not use personal information for any purpose other than that for which the personal information was collected without the individual's consent.

Where the Law Society considers it necessary or convenient or advisable in all the circumstances to contemplate the use of personal information for another purpose, it will contact the individual and seek his or her consent before that other use is made. This will apply whether another party has asked the Law Society to use the personal information for that other purpose or whether the Law Society considers, of its own volition, that the alternative use may be advisable or desirable.

If the individual concerned refuses to give his or her consent, the Law Society will not use the personal information for that proposed other purpose unless it is required by law.

## **20 Threat to life or health: alternative use**

Where any person in the Law Society, whether an employee or a consultant, considers that there may be grounds for making an alternative use of the personal information to protect the life or health of any person and the threat to life or health appears imminent, the Law Society will consider making that alternative use, having regard to all the circumstances and what is reasonable at the time.

Where practicable, bearing in mind the possible urgency, an employee of the Law Society will endeavour to seek the consent of the person concerned or, alternatively will seek to consult with the Privacy Contact Officer or some other responsible person within the Law Society. Where this is not possible or practicable, however, the Law Society will endeavour to act in the best interests of any person or persons whose life or health is or may be under threat.

## **21 Alternative use required or authorised by law**

Where:

- the Law Society holds personal information which has been obtained for a particular purpose; and
- the Law Society is required to use the personal information for another purpose,

the Law Society will make that alternative use.

Where:

- the Law Society holds personal information which has been obtained for a particular purpose; and
- the Law Society is authorised to use the personal information for another purpose,

the Law Society will consider whether it is desirable or advisable to use the personal information for that other purpose. The Law Society will not, however, make this alternative use without first consulting the Privacy Contact Officer.

Where this alternative use is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative use is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

## **22 Enforcement of criminal law: alternative use**

Where the Law Society holds personal information obtained for a particular purpose and it receives a request from the police or some other law enforcement agency to use the personal information for another purpose, the Law Society will not use the personal information for that alternative purpose relating to criminal law enforcement without first:

- obtaining a clear statement from the police or the law enforcement agency as to why the alternative use is 'reasonably necessary' to enforce the criminal law; and
- obtaining advice from the Office of the General Counsel of the Law Society as to whether that other use is 'reasonably necessary' to enforce the criminal law.

In forming a conclusion as to whether the proposed alternative use is 'reasonably necessary' to enforce the criminal law, the Law Society will not make that alternative use of the personal information unless it is satisfied that the alternative use is for more than the mere convenience of the police or the law enforcement agency.

Where this alternative use is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative use is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

## **23 Law imposing a pecuniary penalty: alternative use**

Where the Law Society holds personal information obtained for a particular purpose and it receives a request from the police or some other law enforcement agency to use the personal information for another purpose relating to enforcement of a law having a pecuniary penalty, the Law Society will not use the personal information for that alternative purpose without first:

- obtaining a clear statement from the police or the law enforcement agency as to why the alternative use is 'reasonably necessary' to enforce the relevant law; and
- obtaining advice from the Office of the General Counsel of the Law Society as to whether that other use is 'reasonably necessary' to enforce the relevant law.

In forming a conclusion as to whether the proposed alternative use is 'reasonably necessary' to enforce a law imposing a pecuniary penalty, the Law Society will not make that alternative use of the personal information unless it is satisfied that the alternative use is for more than the mere convenience of the police or the law enforcement agency.

Where this alternative use is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative use is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

## **24 Protection of the public revenue: alternative use**

Where the Law Society holds personal information obtained for a particular purpose and it receives a request from the police or some other law enforcement agency to use the personal information for the protection of the public revenue, the Law Society will not use the personal information for that alternative purpose without first:

- obtaining a clear statement from the police or the law enforcement agency as to why the alternative use is 'reasonably necessary' to protect the public revenue; and
- obtaining advice from the Office of the General Counsel of the Law Society as to whether that other use is 'reasonably necessary' to protect the public revenue.

In forming a conclusion as to whether the proposed alternative use is 'reasonably necessary' to enforce a law protecting the public revenue, the Law Society will not make that alternative use of the personal information unless it is satisfied that the alternative use is for more than the mere convenience of the police or the law enforcement agency.

Where this alternative use is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative use is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

## **25 Use for purpose directly related**

Where the Law Society holds personal information that was obtained for a particular purpose and it becomes apparent that there is a directly related lawful purpose of the Law Society for which that personal information can be used, the Law Society will, where it is expedient and where it would not involve unreasonable compromise to the individual's privacy generally, use the personal information for that directly related other purpose.

## **26 Annotation of the record**

Where the Law Society uses personal information for an alternative use and that alternative use is for:

- enforcement of the criminal law; or
- enforcement of law imposing a pecuniary penalty; or
- enforcement of a law protecting the public revenue,

the person in the Law Society making that alternative use will annotate the record, indicating:

- the date of the use;
- the circumstances of the use; and
- any other relevant details, including necessary file references and contact personnel in other organisations, as necessary.

## **27 Information usually disclosed to another person or body**

Where the Law Society considers it advisable or convenient or necessary to disclose personal information for a purpose other than that for which the personal information was collected, the Law Society will before making such disclosure, either:

- confirm that the person about whom the personal information relates was, in fact, made aware under IPP 2 of the usual practice of disclosing to that other person or body; or
- if the person was not made aware under IPP 2, consider, by applying objective standards, whether in all the circumstances the person about whom the personal information relates would be reasonably likely to be aware that the contemplated disclosure is usually made.

## **28 Consent to disclose**

The Law Society will not disclose personal information for any purpose other than that for which the personal information was collected without the individual's consent.

Where the Law Society considers it necessary or convenient or advisable in all the circumstances to contemplate the disclosure of personal information for another purpose, it will contact the individual and seek his or her consent before that disclosure is made. This will apply whether another party has asked the Law Society to disclose the personal information for that other purpose or whether the Law Society considers, of its own volition, that the alternative disclosure may be advisable or desirable. If the individual concerned refuses to give his or her consent, the Law Society will not disclose the personal information for that proposed other purpose.

## **29 Threat to life or health: disclosure**

Where any person in the Law Society, whether an employee or a consultant, considers that there may be grounds for disclosing the personal information to protect the life or health of any person and the threat to life or health appears imminent, the Law Society will consider making such a disclosure, having regard to all the circumstances and what is reasonable at the time.

Where practicable, bearing in mind the possible urgency, the Law Society will endeavour to seek the consent of the person concerned or, alternatively will seek to consult with the Privacy Contact Officer or some other responsible person within the Law Society. Where this is not possible or practicable, however, the Law Society will endeavour to act in the best interests of any person or persons whose life or health is or may be under threat.

### **30 Use required or authorised by law: disclosure**

Where:

- the Law Society holds personal information which has been obtained for a particular purpose; and
- the Law Society is required to disclose the personal information for another purpose,

the Law Society will make that disclosure.

Where:

- the Law Society holds personal information which has been obtained for a particular purpose; and
- the Law Society is authorised to disclose the personal information for another purpose,

the Law Society will consider whether it is desirable or advisable to disclose the personal information for that other purpose. The Law Society will not, however, make such disclosure without first consulting the Privacy Contact Officer.

### **31 Enforcement of criminal law: disclosure**

Where the Law Society holds personal information obtained for a particular purpose and it receives a request from the police or some other law enforcement agency to disclose the personal information for another purpose relating to criminal law enforcement, the Law Society will not disclose the personal information for that alternative purpose without first:

- obtaining a clear statement from the police or the law enforcement agency as to why the disclosure is 'reasonably necessary' to enforce the criminal law; and
- obtaining advice from the Office of the General Counsel of the Law Society as to whether that disclosure is 'reasonably necessary' to enforce the criminal law.

In forming a conclusion as to whether the proposed disclosure is 'reasonably necessary' to enforce the criminal law, the Law Society will not make that disclosure of the personal information unless it is satisfied that the disclosure is for more than the mere convenience of the police or the law enforcement agency.

Where this disclosure is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative disclosure is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

### **32 Law imposing a pecuniary penalty: disclosure**

Where the Law Society holds personal information obtained for a particular purpose and it receives a request from the police or some other law enforcement agency to disclose the personal information for another purpose relating to the enforcement of a law having a pecuniary penalty, the Law Society will not disclose the personal information for that alternative purpose without first:

- obtaining a clear statement from the police or the law enforcement agency as to why the disclosure is 'reasonably necessary' to enforce the relevant law; and
- obtaining advice from the Office of the General Counsel of the Law Society as to whether that disclosure is 'reasonably necessary' to enforce the relevant law.

In forming a conclusion as to whether the proposed disclosure is 'reasonably necessary' to enforce the relevant law, the Law Society will not make that disclosure of the personal information unless it is satisfied that the disclosure is for more than the mere convenience of the police or the law enforcement agency.

Where this disclosure is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative disclosure is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

### **33 Protection of the public revenue: disclosure**

Where the Law Society holds personal information obtained for a particular purpose and it receives a request from the police or some other law enforcement agency to disclose the personal information for another purpose which relates to the public revenue, the Law Society will not disclose the personal information for that alternative purpose without first:

- obtaining a clear statement from the police or the law enforcement agency as to why the disclosure is 'reasonably necessary' to enforce the public revenue law; and
- obtaining advice from the Office of the General Counsel of the Law Society as to whether disclosure is 'reasonably necessary' to enforce the public revenue law.

In forming a conclusion as to whether the proposed disclosure is 'reasonably necessary' to enforce the public revenue law, the Law Society will not make that disclosure of the personal information unless it is satisfied that the disclosure is for more than the mere convenience of the police or the law enforcement agency.

Where this disclosure is made, the Privacy Contact Officer will be informed and the Privacy Contact Officer will ensure that a record noting that alternative disclosure is included with that personal information. This will be done in hard copy or electronically or both, as required, depending on the media in which the Law Society holds the personal information.

### **34 Purpose directly related: disclosure**

Where the Law Society holds personal information that was obtained for a particular purpose and it becomes apparent that there is a directly related lawful purpose of the Law Society for which that personal information can be disclosed, the Law Society will, where it is expedient and where it would not involve unreasonable compromise to the individual's privacy generally, disclose the personal information for that directly related other purpose.

### **35 Annotation of the record**

Where the Law Society discloses personal information and that disclosure is for:

- enforcement of the criminal law; or
- enforcement of law imposing a pecuniary penalty; or
- enforcement of a law protecting the public revenue,

the person in the Law Society making that disclosure will annotate the record, indicating:

- the date of the disclosure;
- the circumstances of the disclosure; and
- any other relevant details, including necessary file references and contact personnel in other organisations, as necessary.

## **36 Advice to third party**

Where the Law Society discloses personal information to a third party under IPP 11.1, the Law Society will, at the time of the disclosure or as soon as practicable after the disclosure:

- inform the third party in writing of the Law Society's obligations under IPP 11.1; and
- inform the third party that it must not use or disclose the personal information for any purpose other than the purpose for which the Law Society gave the personal information to the third party.

Thus, for example, if the Law Society discloses personal information to the police to enable identification of a suspect, the police must be informed it can not use the personal information for any purpose other than the identification.

## **37 Complaints**

Any person who wishes to make a complaint to the Queensland Law Society about an alleged breach of any of the IPPs must do so in writing in accordance with the provisions of the IPA, specifically s166 of the IPA. Complaints should be addressed to the attention of the Privacy Contact Officer but a written complaint directed to the Queensland Law Society generally or to any other officer within it, will be regarded as a valid complaint.

The Queensland Law Society is not obliged to take any action in respect of a complaint about a breach of any of the IPPs if the alleged breach has occurred twelve months or more prior to the receipt by the Queensland Law Society of the written complaint.

All complaints received within twelve months of the alleged breach of the IPPs will be acknowledged in writing by the Privacy Contact Officer within the time limits set out in the IPA.

Upon receipt of the written complaint, the Privacy Contact Officer will promptly refer the written complaint to the Director of the functional area concerned who will undertake an investigation of the complaint. Upon finalisation of that investigation, the Director will report to the General Counsel who will make a determination in relation to the complaint. The General Counsel will then advise the complainant in writing of the decision within the time limits set out in the IPA.

Should the complainant be dissatisfied with the decision of General Counsel, the complainant may seek an internal review of the decision. The internal review of the decision will be undertaken by the Chief Executive Officer of the Law Society.

## **38 Review process**

### **38.1 Internal review**

If an application was not made under the IPA and where a complainant receives a decision in respect of a complaint about a breach of the IPPs, the person may request an internal review of the decision. An internal review request must be in writing. It should be addressed to the Privacy Contact Officer but, again, where it is addressed to another officer or to the Queensland Law Society generally it will nevertheless be entertained.

Upon receipt of the request for an internal review, the Privacy Contact Officer (or other recipient) will immediately refer the internal review request to the Chief Executive Officer. The Privacy Contact Officer will also acknowledge receipt of the internal review request as soon as practicable.

The Chief Executive Officer will promptly refer the request for internal review to another officer within the Queensland Law Society, being an officer more senior than the officer who made the decision in response to the original complaint.

At the conclusion of the inquiry or investigation the decision will be communicated in writing by the Chief Executive Officer to the complainant.

### **38.2 External review**

If the application was made under the IPA and the person is still dissatisfied with the decision, the person can refer their complaint to the Information Privacy Commissioner under the terms of the IPA.

The complaint must be in writing, state an address of the complainant to which notices may be forwarded and give particulars of the acts or practice complained of.