

**Information Privacy Act 2009 (Qld)
Privacy Act 1988 (Cth)**

Code of Practice

<i>Information Privacy Act 2009 (Qld) Privacy Act 1988 (Cth)</i>	1
1 Introduction	3
2 “Personal Information”	3
3 Unsolicited personal information	3
4 Solicited personal information	4
5 Fairness in collection of personal information	5
6 Identifying information	6
7 Advice where personal information is solicited	6
8 Identity of third parties	7
9 Accuracy of solicited information	7
10 Non-intrusiveness of collection	7
11 Security	8
12 External service providers	8
13 Access to personal information	8
14 Access by members of the Queensland Law Society	9
15 Access by members of the public	9
16 Access by practitioners who are not members of the Queensland Law Society	10
17 Access by staff of the Queensland Law Society	10
18 Access by contractors	11
19 Access by consultants	11
20 Right to Information and other laws	12

21 Privacy plan	12
22 Accuracy	13
23 Right to Information laws.....	13
24 Requests for amendment of records	13
25 Relevance of purpose	14
26 Consent to alternative use.....	14
27 Threat to life or health: alternative use	14
28 Alternative use required or authorised by law.....	15
29 Enforcement of criminal law: alternative use	15
30 Law imposing a pecuniary penalty: alternative use.....	16
31 Protection of the public revenue: alternative use	16
32 Use for purpose directly related.....	16
33 Annotation of the record.....	17
34 Information usually disclosed to another person or body	17
35 Consent to disclose.....	17
36 Threat to life or health: disclosure	18
37 Use required or authorised by law: disclosure	18
38 Enforcement of criminal law: disclosure	18
39 Law imposing a pecuniary penalty: disclosure.....	19
40 Protection of the public revenue: disclosure	19
41 Purpose directly related: disclosure.....	19
42 Annotation of the record.....	20
43 Advice to third party	20
44 Complaints.....	20
45 Review process.....	21

1 Introduction

This Code of Practice is made by the Queensland Law Society in fulfilment of its obligations under the *Information Privacy Act 2009* (Qld) (the IPA) and the *Privacy Act 1988* (Cth) (the PA).

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 and an organisation obliged to comply with the provisions of the Australian Privacy Principles (APPs) which are set out in the PA.

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

The Queensland Law Society regards the IPPs and APPs 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.

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’.

Section 6 of the PA defines “personal information” to be:

“information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not”.

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) file the documents or other medium as a public record.

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) whether the personal information will be transferred or stored overseas;
- (d) 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
- (e) where the provisions of (d) 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) whether the information will be transferred or stored overseas and seeking the consent of the person to such a transfer;
- (d) 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
- (e) where the provisions of (d) 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 in the administration of the *Legal Profession Act 2007* (Qld) (LPA).

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 or in relation to staff of the Law Society where required);
- 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 the Law Society where required);
- information about convictions of individuals where this might have implications for:
 - the Spent Convictions Scheme; and
 - 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) whether the information will be transferred or stored overseas and seeking the consent of the person to such a transfer;
- (d) 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
- (e) where the provisions of (d) 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.

Provision of personal information to a third party for the purposes of informing a person providing personal information of the identity of any person to whom it is the Law Society's usual practice to disclose that personal information, 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 Accuracy of solicited information

The Law Society will constantly review all personal information under its control or in its possession with a view to ascertain whether the personal information continues to be relevant and whether it needs updating, particularly with a view to ensuring accuracy and completeness.

For example, where the Law Society becomes aware of changes of address or practice details it will amend its records accordingly.

Wherever there is some doubt or ambiguity, the Law Society will contact the member or employee and seek confirmation to ensure accuracy and completeness.

10 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.

11 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 secure.

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

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

12 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 and the APPs. All external service provider contracts contain specific provisions to ensure that the external service provider complies with the IPPs and the APPs.

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

13 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 or at rti.qld.gov.au.

14 Access by members of the Queensland Law Society

Any member of the Law Society can have access to the personal information held about him or her by requesting that access in writing to the Team Leader, Records and Member Services or in the approved form under the IPA to the Privacy Contact Officer.

Access will be provided without undue delay, having regard to any particular circumstances in which the member requests the access and in the time frames set out in the IPA and the PA.

The member having access to his or her file may be required to peruse the file in a designated area within the Law Society's premises.

The member may not, in any event, remove the file from the Law Society's premises. If the Law Society member seeks to add or to remove material or to amend any of the personal information the member may request that change in writing or in the approved form under the IPA or PA. Full members who have login access can amend some personal information via the Society's website. The Team Leader, Records and Member Services may then effect the changes or seek to resolve, in good faith, any issues in dispute.

15 Access by members of the public

Any member of the public can have access to personal information held about him or her by the Queensland Law Society by requesting that access in writing or under the IPA in the approved form to the Privacy Contact Officer of the Queensland Law Society.

In such cases, the member of the public may obtain access by first contacting the Privacy Contact Officer. The Privacy Contact Officer will make the appropriate contact within the Queensland Law Society organisation to confirm whether any such personal information is held and, if so, where and how it is held.

The Queensland Law Society will co-operate and act in good faith in making the access available within a reasonable time and in the time frames set out in the IPA and the PA. The individual concerned may have access to the record only in a designated area within the Law Society's premises.

Before providing access the relevant personnel within the Queensland Law Society will ensure that the following information is not released to the individual:

- personal information about any other person unless that personal information can be made available without breaching the IPPs or the APPs; and
- information that may be exempt from disclosure or for which access may be refused under the IPA or the PA.

16 Access by practitioners who are not members of the Queensland Law Society

Any practitioner can have access to the personal information held about him or her by requesting that access in writing or under the IPA in the approved form to the Privacy Contact Officer.

The Privacy Contact Officer will immediately refer the request to the relevant General Manager responsible who will arrange for the provision of access without undue delay, having regard to any particular circumstances in which the practitioner requests the access and in accordance with the time frames set out in the IPA and the PA.

The practitioner having access to his or her file may be required to peruse the file in a designated area within the Law Society's premises.

The practitioner may not, in any event, remove the file from the Law Society's premises. If the practitioner seeks to add or to remove material or to amend any of the personal information the practitioner may request that change in writing or in the approved form under the IPA. The Team Leader, Records and Member Services may then effect the changes or seek to resolve, in good faith, any issues in dispute.

17 Access by staff of the Queensland Law Society

As a basic principle, any staff member may have access to the personal information contained in his or her file at any time.

The staff member seeking access to his or her file must ask the Manager, People and Culture for that access or may apply under the IPA in the approved form.

If the request is not under the IPA, the Manager, People and Culture may require the staff member to provide the request in writing. If the request is not in writing, the Manager, People and Culture will write a note for the file indicating that request has been sought.

The Manager, People and Culture or the Privacy Contact Officer will provide the access without undue delay and in the time frames set out in the IPA and the PA.

The staff member having access to his or her file may be required to peruse the file in a designated area within the Law Society's premises.

The staff member must not remove the file from the Law Society's premises. The staff member must not remove or write upon or annotate documents or add documents to the file. If the staff member wishes documents to be removed or annotated, or documents added, the staff member must indicate this to the Manager, People and Culture and, in the case of seeking to have documents added to the file, produce those documents to the Manager, People and Culture.

The staff member may take photocopies of any document on the file to which he or she is given access.

If the staff member is aware of incorrect details about himself or herself on the file, the staff member can advise the Manager, People and Culture or the Privacy Contact Officer in writing or in the approved form under the IPA who will make the appropriate corrections. Such details can only relate to the staff member's private capacity. No right exists to amend details about the person's status as a staff member.

18 Access by contractors

Individuals who are associated with businesses (whether corporate or unincorporated) having contracts with the Queensland Law Society may have access to Law Society records which contain any personal information about them. In the majority of cases it is assumed that this information would be limited to details necessary for commercial contact. These would be expected to include contact addresses, telephone numbers and related 'mechanical' information.

Contracts with these external organisations contain provisions to ensure that personal information provided to them is not misused or disclosed and to ensure that they comply with the IPPs and the APPs.

Where the Contractor is a company, a partnership or a trust it is only the personal details about individuals to which the Law Society is required by IPP 6 or APP 12 to give access. As only individuals can have personal information, no right of access is available under the privacy regime to companies or trusts.

In such cases, the individual may obtain access by applying in the approved form under the IPA or, if not applying under the IPA, by contacting the Privacy Contact Officer in the first instance. The Privacy Contact Officer will make the appropriate contact within the Queensland Law Society organisation to confirm whether any such personal information is held and, if so, where and how it is held.

The Queensland Law Society will co-operate and act in good faith in making the access available within a reasonable time and in the time frames set out in the IPA and the PA.

The individual concerned may have access to the record only in a designated area within the Law Society's premises. Before providing access the relevant personnel within the Queensland Law Society will ensure that the following information is not released to the individual:

- personal information about any other person unless that personal information can be made available without breaching the IPPs or the APPs; and
- information that may be exempt from disclosure or for which access may be refused under the IPA or the PA.

19 Access by consultants

Where an individual is acting in a personal capacity as a consultant to the Queensland Law Society, but is not an employee of the Queensland Law Society, that individual can have access to personal information held about him or her in the same way in which staff of the Queensland Law Society may have access.

20 Right to Information and other laws

Laws such as those contained in the provisions of the IPA, the PA and the RTI Act may provide a legal basis for the Law Society's withholding or refusing to provide access to 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 access to 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 the Chief Executive Officer. 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.

21 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 qls.com.au.

22 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 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.

23 Right to Information laws

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

24 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, the PA, 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 and APP 13.4, 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 and APP 10 will guide the Law Society's conduct and activities in relation to ensuring only accurate, up to date and complete personal information is used.

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 and APP 10 specifically apply) is dealt with in the same manner as solicited information.

25 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 and APP 3;
- 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.

26 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 or authorised by law.

27 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.

28 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 or authorised by law 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.

29 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 Legal 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 convinced 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.

30 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 Legal 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 convinced 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.

31 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 Legal 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 convinced 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.

32 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.

33 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.

34 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 and APP 5 of the usual practice of disclosing to that other person or body; or
- if the person was not made aware under IPP 2 and APP 5, 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.

35 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.

36 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.

37 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.

38 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 Legal 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 convinced 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.

39 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 Legal 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 convinced 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.

40 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 Legal 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 convinced 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.

41 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.

42 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.

43 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.

44 Complaints

Any person who wishes to make a complaint to the Queensland Law Society about an alleged breach of any of the IPPs or the APPs must do so in writing in accordance with the provisions of the IPA or the PA, specifically section 166 of the IPA and section 36 of the PA. 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.

Complaints under the PA can be directed in the first instance to the Australian Information Privacy Commissioner under section 36 of the PA without first being made to the Law Society.

The Queensland Law Society or the Australian Information Commissioner is not obliged to take any action in respect of a complaint about a breach of any of the IPPs or the APPs 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 or the APPs will be acknowledged in writing by the Privacy Contact Officer within the time limits set out in the IPA or the PA.

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

Should the complainant be dissatisfied with the decision of the Privacy Contact Officer, the complainant may seek an internal review of the decision. The internal review of the decision will be undertaken by the Chief Executive Officer or the Corporate Secretary of the Law Society.

45 Review process

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 or the APPs, 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 either conduct the internal review or promptly refer the request for internal review to another delegated officer within the Queensland Law Society.

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

External Review

If the application was made under the IPA or the PA 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 or the Australian Information Commissioner under the terms of the PA.

Complaints under the PA can be referred to the Australian Information Privacy Commissioner in the first instance.

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.