

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

Privacy Plan

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1 Introduction

This Privacy Plan is developed 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 a body corporate continued by section 679 of the *Legal Profession Act 2007* (the LPA). The Queensland Law Society is also a 'statutory body' for the purposes of the *Financial Accountability Act 2009* pursuant to section 682 of the LPA. It is on this basis that the Queensland Law Society is subject to the requirements of the IPA.

It is also an "organisation" within the meaning of section 6C of the PA and is not within the exemption for State authorities contained in section 6C(3)(c) of the PA and it is on this basis that it is subject to the PA.

2 Purpose

The purpose of this Privacy Plan is to give effect to the statutory obligations and the eleven Information Privacy Principles ('IPPs') contained in the IPA and the Australian Privacy Principles ('APPs') contained in the PA. Those IPPs and APPs deal with the handling, use, storage and disclosure of personal information.

3 Meaning of 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".

4 Related documents

This Privacy Plan should be read in conjunction with other documents, including in particular:

- the Code of Practice which is a separate document developed by the Law Society and which describes in more detail, including applicable standards and values, the way in which personal information will be handled in complying with the IPA and the PA;
- the IPA;
- the *Information Privacy Regulation 2009*, and
- the PA.

5 Privacy contact officer

The Privacy Contact Officer(s) can be contacted by email on privacy@qls.com.au.

6 Contact point for complaints

Complaints about information privacy matters should be directed to the Privacy Contact Officer(s).

7 Personal information held by Queensland Law Society

The Queensland Law Society collects, stores and uses:

- Employee personal information which is required so that human resources management functions can be carried out eg. leave details, performance management, banking, etc. This information is retained by the People and Culture and by Finance for payroll and taxation purposes.
- Practitioners' personal details which are required to enable the Society to fulfil its statutory obligations and functions in its administration of the LPA.
- Members' personal details which are required to enable the Society to fulfil its member service role as a member service organisation.
- Personal information about vendors to allow normal business processes to take place, eg. name, address for payment, bank account details to allow for electronic payment of accounts where appropriate. This information is held by Finance and Records and Member Services.
- The Queensland Law Society also holds personal information of members of the public (eg. name, postal address and telephone number) who may contact the Society for a variety of reasons, including registration for seminars, making of complaints about solicitors, making general inquiries of the Society in relation to the law and legal issues.

8 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.

8.1 Access by members of the Queensland Law Society

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

The Privacy Contact Officer or the Team Leader, Records and Member Services will provide the access without undue delay, having regard to any particular circumstances in which the member requests the access and in accordance with the provisions of 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 Queensland 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 inform the Privacy Contact Officer or the Team Leader, Records and Member Services in the approved form under the IPA or under the PA. Full members who have login access can amend some personal information via the Society's website. The Privacy Contact Officer or the Team Leader, Records and Member Services may then effect the changes or seek to resolve, in good faith, any issues in dispute.

8.2 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 the approved form under the provisions of the IPA or, administratively in writing 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 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 accordance with the provisions of the IPA and the PA. The individual concerned may have access to the record only in a designated area within the Queensland 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:

- 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.

8.3 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 the approved form under the provisions of the IPA or, administratively in writing to the Privacy Contact Officer.

The Privacy Contact Officer will refer the request to the 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 within the time limits 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 Queensland Law Society's premises.

The practitioner may not, in any event, remove the file from the Queensland 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 apply in the approved form or under the PA to the Privacy Contact Officer or the Team Leader, Records and Member Services. The Privacy Contact Officer or the Team Leader, Records and Member Services may then effect the changes or seek to resolve, in good faith, any issues in dispute.

8.4 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. Access may be sought under the IPA or administratively. Should the staff member seek access under the IPA, they must do so on the approved form to the Privacy Contact Officer. Should the staff member seek access administratively, they must ask the Manager, People and Culture.

The Manager, People and Culture may require the staff member to provide the request in writing.

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

The Privacy Contact Officer or the Manager, People and Culture will provide the access without undue delay and within the time limits set out in the IPA and the PA. Access will be provided immediately if that is reasonably possible.

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

The staff member must not remove the file from the Queensland 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 Privacy Contact Officer or the Manager, People and Culture and, in the case of seeking to have documents added to the file, produce those documents to the Privacy Contact Officer or 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 apply to the Privacy Contact Officer in the approved form or advise the Manager, People and Culture 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.

8.5 Access by contractors

Individuals who are associated with business (whether corporate or unincorporated) having contracts with the Queensland Law Society may have access to Queensland 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 performing the 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 Queensland 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 the time limits set out in the IPA and the PA.

The individual concerned may have access to the record only in a designated area within the Queensland 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 and the APPs; and
- information that may be exempt from disclosure or for which access may be refused under the IPA or the PA.

8.6 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.

9 Complaints Management System

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 Queensland 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 Queensland Law Society.

10 Review process

10.1 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 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.

10.2 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.

11 Vendors, consultants, etc

Member details are provided to external organisations for reasons of efficiency in processing registration details for conferences and to enable printing of annual reports, for example, for marketing purposes (including marketing of third party services to members), and for processing bulk mailouts to members of annual reports, journals and professional development materials and the like.

Personal information of members of the public is provided to external organisations to enable external reviews of administrative decisions affecting those members of the public, for reasons of efficiency in processing registration details for conferences and seminars, and where that information is included in materials sent to third parties for printing and publication.

Contracts with external organisations contain provisions to ensure that details of members of the public, members and practitioners are protected from misuse and disclosure and to ensure that those organisations comply with the IPPs and the APPs.

12 Public register

Search facility

'Find a solicitor' is a service on the Law Society's website: www.qls.com.au.

This enables anyone to search for:

- a solicitor
- the register of solicitors
- a law firm
- an accredited specialist
- a Law Society approved mediator
- a solicitor by online referral
- an arbitrator
- a cost assessor
- a DLA
- an interstate solicitor

The 'Solicitor' search facility provides access to the following personal information about any practising solicitor in Queensland:

- full name
- the practitioner's employer and role
- the firm's street address
- the firm's phone number
- whether the practitioner has specialist accreditation
- whether legal aid services are provided
- whether speculative actions are accepted
- whether a notary public or commissioner of affidavits
- languages (other than English) spoken.

Further, full members can access the following additional information:

- sub-category of practising certificate as described in Part 2 of the *Queensland Law Society Administration Rule 2005* and information about conditions on the practising certificate
- admission date
- whether a notary public
- languages (other than English) spoken
- areas of practice
- whether a commissioner of affidavits
- other jurisdictions in which the practitioner is admitted
- the firm's address and contact details
- the firm's email address
- the practitioner's email address

13 Further Queries

Further queries in relation to any matter contained in this document or regarding the Queensland Law Society's privacy policies, please contact:

privacy@qls.com.au

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