

IPOLA RESOURCE

Applying the legislation – Information Privacy Act 2009

Collection Notices

This resource does not reflect the current law.

It highlights important changes to the *Information Privacy Act 2009*.

This resource does not constitute legal advice and is general in nature only. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

Overview

Queensland government agencies are required to comply with the Queensland Privacy Principles (QPPs), which includes taking reasonable steps to notify people of certain matters when collecting their personal information. This resource sheet should be read in conjunction with guideline – [QPP 5 – Informing people when collecting personal information](#).

Providing a collection notice is a practical and transparent way to make individuals aware of why an agency is collecting their personal information, and how the agency will handle, use and disclose that personal information.

What is a collection notice?

A collection notice is a statement provided to an individual when an agency collects their personal information, explaining the purpose for which the information is being collected and how it is handled in accordance with the QPPs. QPP 5 does not expressly refer to 'collection notices' - *collection notice* is simply a convenient term for the information an agency is obliged to make an individual aware of when collecting personal information from them. A collection notice will usually only provide the essential information about the specific collection of personal information proposed or being undertaken by the agency.

When does an agency have to give a collection notice?

An agency must take reasonable steps, before, or at the time it collects personal information. If this is not practicable, reasonable steps must be taken as soon as practicable after collection.

What information should be in a collection notice?

The matters that must be notified to an individual are set out in QPP 5.2. In summary, these are as follows:

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- the identity and contact details of the agency
 - the facts and circumstances of collection – including if the information has been collected from a third party, or in circumstances where the individual may not be aware of the collection
 - whether the collection is required or authorised by law (including the relevant law)
 - the purposes of collection
 - any consequence if an individual does not provide all or part of the required information
 - any other agencies or entities to which the kind of personal information being collected is usually disclosed
 - information about access and correction in the agency's QPP Privacy Policy; and
 - whether the agency is likely to disclose personal information to entities outside of Australia and, if so, the countries those entities are located.

Purpose of collection

The purpose of collecting the information should be stated plainly, clearly and be specific, rather than in broad or general terms. If an agency may use or disclose personal information for purposes other than the primary purpose (known as a 'secondary purpose'), these should also be included where known at the time of collection.

If, for example, the information is collected on a form and the purpose of the collection is straightforward and simple, the title of the form may be enough to inform the person of the purpose. Alternatively, a more detailed notice may be needed, particularly where the information being collected will be used or disclosed for more than one purpose.

Are there different types of collection notices?

Collection notices can be given in any way that makes the individual aware of the required QPP 5.2 matters. The most suitable way to provide a collection notice will depend on various circumstances, including:

- how the information is collected
- the amount of information (regarding handling, use and disclosure) that needs to be given to the individual; and
- any specific needs of the individual.

Collection notices can be prepared in advance—included on forms, added to telephone scripts, placed on websites, included in pamphlets, placed on notice boards, displayed at service counters, or included in correspondence.

Ensure that collection notices are not hard to read, for example avoid using small font, or placing notices where they are difficult to locate. Where a collection notice is provided verbally, a written copy should be made available if requested by the individual.

Collection notice template A

[**Name of agency**] is committed to handling your personal information in accordance with the *Information Privacy Act 2009* (Qld) and the Queensland Privacy Principles (**QPPs**).

QPP 5 obliges us to advise you of certain matters when collecting your personal information. This collection notice sets out those matters, and explains how we will manage the collection, use, disclosure and storage of your personal information.

The information collected is necessary to [**add the purpose of the collection**].

Purpose examples – including any secondary purposes of which the agency may be aware at the time of collection

- to deal with your enquiry
- update contact details
- process a service request, products or enquiry
- investigate or respond to a complaint.

Your personal information has been collected under authority of [**insert Australian law, court or tribunal requiring or authorising collection – this will usually be the legislation under which your agency operates**].

Add any consequences of not providing personal information, for example
If you choose not to provide your name and contact details, we will not be able to respond to your service enquiry.

Delete text that is not applicable:

- Your personal information has been collected from [**name of third party**] in accordance with [**circumstances of third party collection**].
- We have collected your personal information by way of [**explain where collection may occur without person being otherwise aware, e.g. via CCTV or website cookies**].
- Your personal information [**will be/ may be**] disclosed to [**names of agencies or other entities to which personal information of the kind collected may be disclosed**].
- Your personal information [**will be/ may be / will not be**] disclosed outside of Australia to [**names of entities**] in [**names of countries in which the recipients are located**].

Our privacy policy explains how you may request access to and/or correction of your personal information. Our policy also explains how you can complain to us if you consider we have breached our obligations to manage your personal information in accordance with the QPPs, and how we deal with privacy complaints [**insert link to QPP privacy policy**].

If you have questions regarding how your personal information will be handled contact us at: [**name of agency, business unit name and contact details – email, postal address, phone number**].

Collection notice template B

We collect personal information about individuals for a range of purposes to enable us to deliver services/discharge our functions under *[insert legislation]*. The way we manage personal information is explained in our privacy policy – you can access our privacy policy at: *[insert link to agency privacy policy]*.

When we collect personal information, we are required to give you notice of the certain matters under QPP 5. These are set out below.

<Agency Name> <Function/Purpose for example <i>licence application, recruitment</i> etc> – QPP 5 Notice	
Who is collecting your personal information?	Your personal information is being collected by <i>[insert agency and contact details]</i> .
OPTIONAL: USE WHERE PERSONAL INFORMATION IS COLLECTED FROM SOMEONE OTHER THAN THE INDIVIDUAL OR WHERE THEY MAY NOT BE AWARE THAT THE ENTITY HAS COLLECTED THEIR PERSONAL INFORMATION.	<p>We have collected your personal information from <i>[insert identity of source]</i>. This is done in accordance with <i>[insert circumstances of third party collection]</i>.</p> <p>OR</p> <p>We have collected your personal information by way of <i>[explain where collection may occur without person being otherwise aware, e.g. via CCTV or website cookies]</i>.</p>
Who is your personal information collected from/how is your personal information collected?	
Authority for collection	We collect your personal information under or in accordance with <i>[insert Australian law, court or tribunal requiring or authorising collection – this will usually be the legislation under which your agency operates]</i> .
Why are we collecting your personal information?	<p><i>[Explain purposes for collection of personal information]</i> For example:</p> <p><i>We collect your personal information for the purposes of assessing your application for employment with us, and related recruitment purposes.</i></p>
What would happen if we do not collect your personal information?	<p><i>[Explain consequences if personal information not collected]</i> For example:</p> <p><i>If we do not collect your personal information, we will be unable to consider you for employment opportunities with us.</i></p>
Who will we disclose your personal information to?	<p><i>[Identify agencies/entities, or kinds of agencies/entities, to which agency usually discloses PI of kind being collected]</i> For example:</p>

<Agency Name> <Function/Purpose for example <i>licence application, recruitment etc</i> > – QPP 5 Notice	
	<i>If your application progresses, your personal information may be disclosed to the Queensland Police Service for the purposes of undertaking criminal record screening.</i>
Access to and correction of your personal information	<i>Our privacy policy contains information about how you may access and seek correction of personal information about you that is held by us. [insert link to QPP privacy policy].</i>
Privacy complaint	<i>Our privacy policy explains how you may complain to us about a breach by us of the QPPs, and how we deal with privacy complaints. [insert link to QPP privacy policy].</i>
Overseas disclosure of your personal information	<i>[Explain any likely overseas disclosure of personal information, including countries in which recipients are likely to be located] For example: <i>We do not disclose recruitment information overseas.</i></i>

For additional IPOLA assistance, please contact the IPOLA team by email IPOLA.Project@oic.qld.gov.au

For information and assistance on current legislation, please refer to the OIC's guidelines, or contact the Enquiries Service on 07 3234 7373 or by email enquiries@oic.qld.gov.au

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