

NIISQ

Privacy policy

NIISQ Agency

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1. Introduction

1.1 Policy statement

The National Injury Insurance Agency, Queensland (the NIISQ Agency, 'we', 'us', 'our') is committed to protecting an individual's right to privacy. We commit to collect, use, disclose and store personal information in accordance with the:

- 11 Information Privacy Principles (IPP's) contained in schedule 3 of the *Information Privacy Act 2009* (Qld) (IP Act) and other privacy provisions in the IP Act; and
- *National Injury Insurance Scheme (Queensland) Act 2016* (NIISQ Act); and
- *National Injury Insurance Scheme (Queensland) Regulation 2016* (NIISQ Regulation).

If we fail to comply with any of the above principles, we will take all reasonable steps to minimise any potential damage.

1.2 Purpose

The purpose of this policy is to outline:

- the NIISQ Agency's commitment to protecting personal information of individuals; and
- how the NIISQ Agency will collect, use, disclose and store the personal information of individuals.

1.3 Definitions

Term	Definition
Personal information	<p>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.</p> <p>In general terms, personal information is any information that can be used to identify an individual. For example, a person's name, contact details or other information that may reasonably be connected to an individual.</p>
Use of personal information	<p>We will <i>use</i> personal information when we:</p> <ul style="list-style-type: none"> • take the information into account when making a decision; or • search, manipulate or otherwise deal with the information; or • transfer the information between business units within the NIISQ Agency.
Disclosure of personal information	<p>We will <i>disclose</i> personal information when we:</p> <ul style="list-style-type: none"> • give personal information to an entity who does not know the personal information and is not in a position to be able to find it out; and • we cease having control over who will know the personal information in the future.

2. Collection of personal information

2.1 Why do we collect personal information?

We collect personal information of individuals for a range of reasons, including:

- To assess eligibility under the National Injury Insurance Scheme, Queensland (NIISQ);
- To assess what reasonable treatment, care and support will be paid for by us;
- To carry out our main functions under the NIISQ including:
 - to administer and provide information about the NIISQ; and
 - monitor and review the NIISQ; and
 - conduct research and collect statistics about the NIISQ; and
 - give advice and information to the Treasurer and the Motor Accident Insurance Commission about the NIISQ; and

- provide support and funding for programs, research and education relevant to the treatment, care and support of participants in the NIISQ; and
- manage the fund; and
- keep a register of providers of services under the NIISQ;
- To process and respond to information access requests;
- To process and respond to complaints and feedback;
- For recruitment and employment purposes; or
- To carry out any other function given to us under the NIISQ Act or any other Act.

2.2 What types of personal information do we collect?

The types of personal information we may collect will depend on how individuals interact with us. Some examples of the types of personal information we typically collect include:

- Full name and contact details;
- Date of birth;
- Gender;
- Relationship details and family circumstances;
- Family history;
- Medical or health information;
- Financial details;
- Diversity and cultural background;
- Photographs;
- Driver licence, passport or other documents that evidence identity;
- Occupation, employment history and educational background;
- Personal information provided by individuals using our complaint management system, including details of the complainant, subject of the complaint, witnesses etc.; and
- Personal information provided during recruitment processes (e.g. curriculum vitae or referees).

2.3 How do we collect personal information?

We will:

- only collect personal information from individuals when it is necessary for the particular function or activity we are carrying out; and
- only collect the amount of personal information that is necessary to fulfill the particular function.

We may collect personal information in the following ways:

- directly from individuals, for example, when we request personal information through forms;

- from another entity, such as another government agency;
- through an authorised representative, for example, a lawyer;
- through our website;
- through email lists or events signed up to by the individual;
- through social media services, such as Facebook.

When we collect personal information directly from an individual, we will advise:

- why the information is being collected; and
- any law that allows the NIISQ Agency to collect the information; and
- whether the NIISQ Agency normally discloses the information and to who.

3. Use of personal information

3.1 How do we use personal information?

Under the IP Act we may only use personal information for the purpose for which it was collected. However, we may use personal information for a secondary purpose where:

- The individual has expressly or impliedly consented to their personal information being used for the secondary purpose;
- The secondary purpose is directly related to the primary purpose;
- Use of the information for the secondary purpose is necessary to protect the life, health, safety or welfare of an individual or the public;
- Use of the information for the secondary purpose is authorised by law;
- Use of the information for the secondary purpose is required for law enforcement purposes;
- Use of the information for the secondary purpose is necessary for research or statistical purposes.

Prior to using personal information, we will take reasonable steps to ensure that the personal information is accurate, complete and up to date.

4. Disclosure of personal information

4.1 How do we disclose personal information?

To perform our functions under the NIISQ, we may be required to disclose personal information to third parties. We will take all reasonable steps to ensure the third party recipient of personal information (apart from a third party recipient specified in the NIISQ Act) will not use or disclose the information for a purpose other than the purpose for which it was disclosed by us, unless required or authorised by law.

Under our legislation, how and who we disclose personal information to will differ depending on whether the individual is:

- A participant in the NIISQ or an injured person applying to participate in the NIISQ; or
- Another individual.

4.2 Participants in the NIISQ or injured persons applying to be participants in the NIISQ

If the individual is a participant in the NIISQ or applying to be a participant in the NIISQ, we may disclose personal information to the following entities:

- Motor Accident Insurance Commission;
- Nominal Defendant under the *Motor Accident Insurance Act 1994* (Qld);
- An entity that is the same as or similar to the Nominal Defendant under a law of the Commonwealth or another State;
- An insurer carrying on the business of providing workers' compensation insurance, personal accident or illness insurance, or insurance against loss of income through disability;
- An entity that is the same as or similar to us under a law of the Commonwealth or another State;
- A department, agency or instrumentality of the Commonwealth, the State or another State;
- The agency under the *National Disability Insurance Scheme Act 2013* (Cwth);
- A hospital, including a private hospital;
- An ambulance or other emergency service;
- A doctor;
- A person who is appropriately qualified to assess the treatment, care or support needs of a person;
- A provider of treatment, care or support services, including, for example, attendant care and support services;
- An employer or previous employer of an injured person;
- An educational institution;
- An entity that provides services under the NIISQ to a participant, if giving the information may help in providing the services;
- An entity engaged in work relating to:
 - the administration of the NIISQ
 - monitoring or reviewing the operation of the NIISQ; or
 - conducting research or collecting statistics about the NIISQ;
- An insurer; or
- A medical tribunal.

We may also disclose personal information in the manner described in **part 4.3**.

4.3 Another individual

We also collect the personal information of a range of other individuals who are not participants in the NIISQ or injured persons applying to participate in the NIISQ. In these circumstances, we will only disclose personal information if:

- The individual has expressly or impliedly consented to the release;
- We have made the individual aware that it is the NIISQ Agency's usual practice to disclose the information to a third party;
- The disclosure is necessary to lessen or prevent serious threat to life, health, safety or welfare of the public or an individual;
- The disclosure is authorised or required by law;
- The disclosure is necessary for law enforcement purposes; or
- The disclosure is necessary for research or statistical purposes.

5. Storage of personal information

5.1 How do we store personal information?

We will take all reasonable steps to ensure the personal information of individuals is protected from loss, unauthorised access, use, modification or disclosure and any other misuse. We hold information in either secure electronic record keeping systems or hard copy form. Where reasonable and practicable to do so, we will destroy or de-identify personal information when it is no longer needed.

6. Personal information and contracted service providers

6.1 How do contracted service providers deal with personal information?

We may engage service providers to perform one of our functions or services. If we need to disclose personal information of individuals to those service providers, we will take all reasonable steps to ensure that the service provider is bound by the same rules and regulations that bind the NIISQ Agency in relation to the collection, use, disclosure and storage of personal information under the IP Act. Once bound, the service provider is responsible for any breach of the privacy rules under the IP Act and individuals are able to make privacy complaints against the provider.

7. Transfer of personal information

7.1 Do we transfer personal information outside Australia?

We will only transfer personal information outside Australia if it is required for a legitimate purpose and only if:

- The individual consents to the transfer;
- The transfer is authorised or required under a law;
- The transfer is necessary to lessen or prevent serious threat to the life, health, safety or welfare of the public or an individual;
- Two or more of the following apply –
 - the recipient is subject to equivalent privacy obligations; or
 - the transfer is necessary to perform a function of the NIISQ Agency; or
 - the transfer is for the individual's benefit; or
 - reasonable steps have been taken by the NIISQ Agency to ensure the information is protected.

8. Accessing personal information

All individuals can access their personal information held by us. Personal information can be accessed in the ways outlined below.

8.1 Administrative access

In some cases, personal information of individuals can be released without the need for a formal application under the IP Act. Our Administrative Release Policy provides further information about when the NIISQ Agency will release information administratively.

Please contact our Privacy Officer via the contact details below for advice on whether personal information can be released administratively.

8.2 Application under the IP Act

The IP Act gives individuals the right to access their personal information held by government agencies. An individual can make a formal application under the IP Act for access to their personal information by completing [this form](#).

The completed form must then be sent to our Privacy Officer via the contact details below.

8.3 Amending personal information

We take all reasonable steps to ensure the personal information we hold is current and accurate. However, if an individual believes that the personal information the NIISQ Agency holds about them is:

- inaccurate;
- misleading;
- out of date; or
- incomplete

they may apply to have that information amended under the IP Act.

An individual can apply to amend their personal information held by the NIISQ Agency by completing [this form](#). The amendment application should contain:

- details of the information to be amended; and
- why the individual believes the information is inaccurate, misleading, out of date or incomplete; and
- the amendments the individual wants to be made; and
- certified evidence of the individual's identity.

The completed form must then be sent to our Privacy Officer via the contact details below.

9. Privacy complaints

9.1 Complaints to the NIISQ Agency

If an individual believes that the NIISQ Agency has not dealt with their personal information in accordance with the principles outlined above, they may make a privacy complaint.

To make a privacy complaint, an individual must submit their complaint in writing to our Privacy Officer via the contact details below.

9.2 Complaints to the Office of the Information Commissioner

A privacy complaint must be lodged with the NIISQ Agency prior to applying to the Office of the Information Commissioner (OIC). However, an individual can make a privacy complaint to the OIC if:

- at least 45 days have elapsed since the original privacy complaint was made to the NIISQ Agency; and
- the individual has not received a response from us, or they do not consider the response received is adequate.

Further information about OIC's privacy complaint process can be found [here](#).

10. Privacy Impact Assessments

A Privacy Impact Assessment (PIA) is a tool used by the NIISQ Agency to assess the privacy impacts of a project and identify ways to meet the NIISQ Agency's obligations under the IP Act. The NIISQ Agency will undertake PIA's when necessary and in accordance with the OIC's PIA framework. The relevant framework and assessment tool can be found [here](#).

11. Training

To ensure staff compliance with the privacy principles, the NIISQ Agency will provide staff with regular privacy training. The training will be a combination of:

- Online video training; and

- In person training presented by an external contractor.

12. Privacy Officer contact details

Any questions about how we collect, use, disclose and store personal information, can be directed to our Privacy Officer:

Email: NIISQ-Privacy@niis.qld.gov.au

Post: The Manager

Administrative Review

The National Injury Insurance Agency, Queensland

GPO Box 1391

Brisbane QLD 4001

13. Policy review

This policy is subject to periodic reviews to ensure effectiveness is maintained.

14. Document history

Document Name	NIISQ Agency Privacy Policy
Document Number	NIISQExPol2
Document Owner	Chief Executive Officer
Version History:	
1.0	04/2019 – Approved by Chief Executive Officer
2.0	Routine review. New section on Privacy Impact Assessments.

Approval log

Approved by:	Chief Executive Officer
Approval Date	14 October 2021
Next Review Date	2 years from date of approval