



Queensland
Government
Department of **Housing**

Privacy Complaints and Appeal Procedure: 2006-07

January 2007

1. Introduction

In September 2001, Cabinet approved the implementation of Information Standard 42 – Information Privacy (IS 42), the state government’s privacy policy. The Department of Housing’s privacy plan was fully implemented in September 2002 and all staff is required to apply the practices set out within the eleven information privacy principles under Information Standard 42.

It is a mandatory requirement of Information Standard 42 to be responsible for a complaint resolution mechanism. In view of this requirement the privacy complaints and appeal procedure has been established to deal with situations where clients or staff believes a breach of Information Standard 42 has occurred within the department.

When a person believes their privacy may have been breached, they are able to make a formal written complaint to the department. Complaints may be received in any service area, at an area office, the Minister’s Office or the Office of the Director-General. After the complaint has been investigated and a formal written decision provided to the client, the client has the option to appeal if they are still dissatisfied with the department’s response. Both the privacy complaint and the privacy appeal processes are contained within this document. In the event that a client is still not satisfied with the outcome of the appeal process he/she has the option to raise a complaint with the Ombudsman.

In the event of a privacy complaint, the Privacy Coordinator will register the complaint, provide advice on the complaint, and recommend preventative actions for future privacy issues, where necessary.

2. Roles and responsibilities

Complainant	<ul style="list-style-type: none">• Provide complaint(s) or appeal(s) in writing to the department.
Director-General	<ul style="list-style-type: none">• Responsible for the resolution of any privacy breach complaints.
Executive Services	<ul style="list-style-type: none">• Distribute all executive correspondence and update Mincor for privacy complaints received by the Minister's Office or the Office of the Director-General.
Freedom of Information (FOI) Coordinator	<ul style="list-style-type: none">• Provide advice to Privacy Coordinator (PC), Privacy Liaison Officer (PLO) and/or the Investigations Officer as part of the complaint investigation.• Endorses the department’s response to any appeals under the privacy complaint appeals process.
General Managers and Directors	<ul style="list-style-type: none">• Appoint the Investigations Officer.• Provide advice where necessary throughout the complaint investigation for matters relating to their service area.• Endorses the department’s response to the complainant.

Investigations Officer	<ul style="list-style-type: none"> • Nominated by the General Manager or Director to carry out the investigation. This will be a person who has no involvement with the original complaint and may be the Privacy Liaison Officer for that specific service area.
Manager Appeals and Review	<ul style="list-style-type: none"> • Provide the final response as signatory to the department's response letter to the person making the appeal.
Privacy Coordinator Appeals and Review	<ul style="list-style-type: none"> • Department of Housing principal contact for privacy issues. • Lodge the receipt of the privacy complaint letter from the complainant. • Send initial acknowledgement letter to complainant. • Forward necessary documentation to the relevant General Manager or Director to commence the investigation. • Monitor response timeframes. • Seek advice from the FOI Coordinator where necessary. • Provide General Managers and Directors with a post privacy assessment, where appropriate to recommend procedural improvements to reduce the risk of a similar privacy breach in the future. (This may include monitoring trends and training requirements for the service area and Privacy Liaison Officer.)
Privacy Liaison Officer Privacy Network	<ul style="list-style-type: none"> • Service area representative for the Department of Housing Privacy Network. • Coordinate the investigation of privacy appeals as appointed by the General Manager or Director. • Prepare the department's response to the complainant. • Liaise between the Privacy Coordinator, the FOI Coordinator and the General Manager/Director where required.

3. Privacy complaints

3.1 Client complaint letter

- Any client raising a privacy issue(s) in relation to their dealings with the Department of Housing formalises the complaint by advice in writing.
- If the client complaint letter is received by the Minister's Office or the Office of the Director-General, Executive Services will track the correspondence through Mincor and forward it to the Privacy Coordinator.

3.2 Complaint letter directed to Privacy Coordinator

Copies of complaint letters received by area offices or service areas are to be directed to the Privacy Coordinator through the relevant General Manager/Director.

3.3 Type of complaint

The Privacy Coordinator assesses if the complaint is:

- a standard complaint - those not relating to privacy are referred to the relevant General Manager;
- an appeal - Appeals and Reviewable Decisions; or
- a privacy complaint.

3.4 Privacy complaints register

The Privacy Coordinator records receipt of the letter in the privacy complaints register.

3.5 Acknowledgement letter

The Privacy Coordinator sends an acknowledgement letter for either:

- a single complaint issue about a breach in privacy; or
- a complaint covering other issues in addition to a breach of privacy.

3.6 Investigation

The issue is investigated by an Investigations Officer appointed by the General Manager or Director and advice is sought from the FOI Coordinator if necessary.

3.7 Draft response and consultation

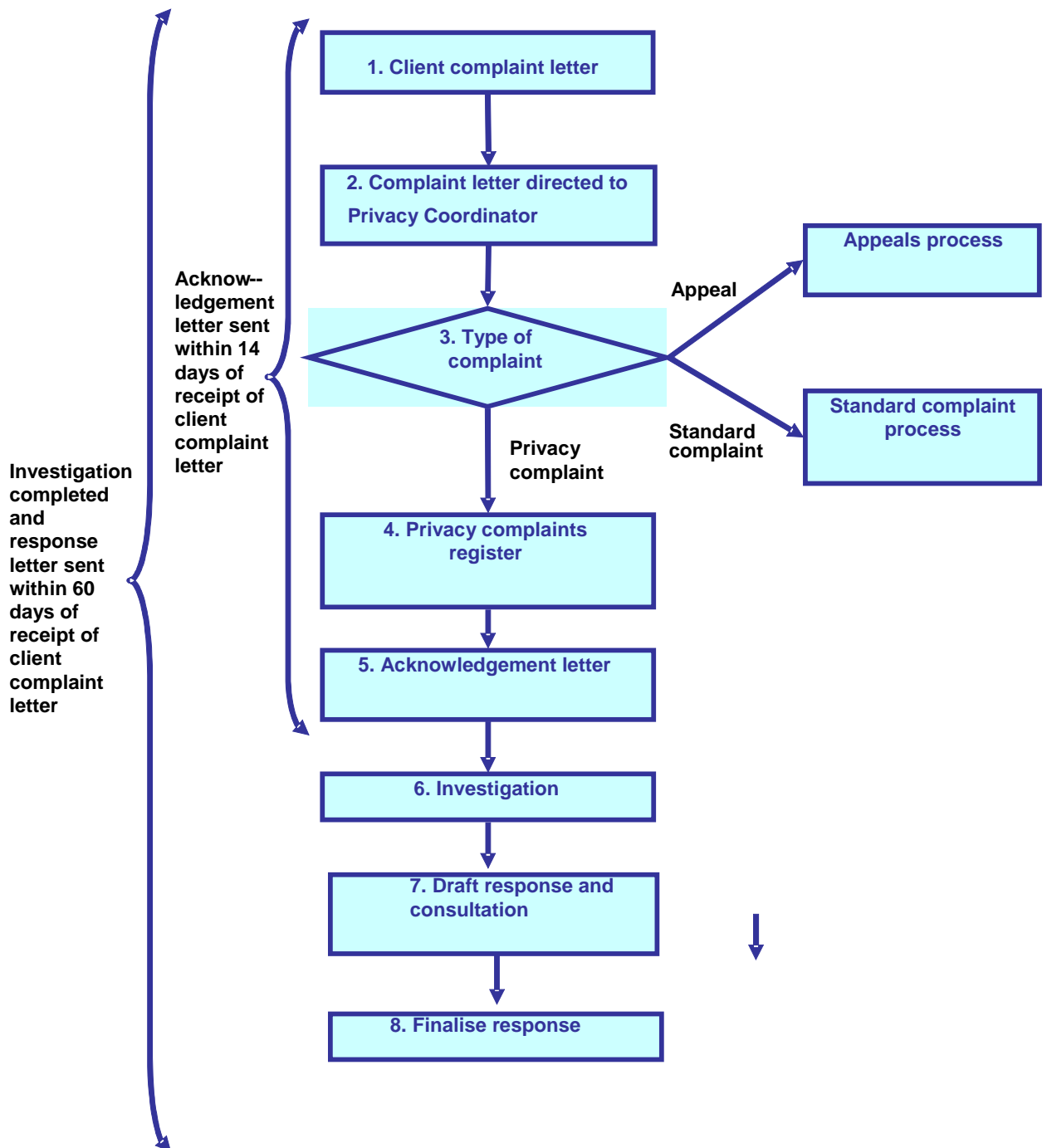
- Investigations Officer drafts a response letter.
- Investigations Officer sends the draft response and investigation documentation to FOI Coordinator for comment.
- Investigations Officer incorporates FOI Coordinator comments for response.
- Investigations Officer liaises with General Manager/Director to advise of proposed response to complainant.
- Response letter signed by General Manager or Director.

3.8 Finalise response

- Investigations Officer sends response letter to complainant.
- Investigations Officer sends copy of response letter to Privacy Coordinator and FOI Coordinator including notes on investigation outcome if necessary.
- Investigations Officer files copy of response letter on client file.
- Privacy Coordinator updates privacy complaints register with investigation documentation, copy of response letter and investigation documentation.

- Privacy Coordinator provides service area with a post privacy assessment, where appropriate, to recommend procedural improvements to reduce the risk of a similar privacy breach in the future. (This may include monitoring trends and training requirements for the service area and Privacy Liaison Officer).

4. Privacy complaints flowchart



5. Privacy appeals

If a complainant does not agree with the department's decision, they may appeal to the department. The internal appeal process is detailed below.

5.1 Privacy response letter received by client

- The privacy response letter must be received by the client within 60 days of the department receiving the initial complaint as per the privacy complaint process.

5.2 Client appeal letter

- The client appeals the formal decision regarding the investigation into the privacy breach in writing addressed to the Privacy Coordinator.
- The client appeal letter must be received within 28 days of receiving the response letter advising the formal decision of the investigation into the privacy breach.

5.3 Privacy complaints register

- The Privacy Coordinator records receipt of the appeal letter in the privacy complaints register.
- The relevant General Manager or Director is provided with a copy of the appeal letter to commence investigation.
- The FOI Coordinator is provided with a copy of the appeal letter.

5.4 Acknowledgement letter

- The Privacy Coordinator sends an acknowledgement letter to the client advising the appeal will be addressed within 45 days of receipt of the appeal letter.

5.5 Investigation

- The issue is investigated by the relevant General Manager or Director and a response letter drafted.
- Advice is sought from the FOI Coordinator in relation to the draft response.

5.6 Response

- The response is finalised and signed by the Manager Appeals and Review.
- A copy of the response letter is sent to the Director-General and the Privacy Coordinator.
- A copy of the response letter is placed on the client file.
- The Privacy Coordinator updates privacy complaint register.

6. Privacy appeal flowchart

If a client is unhappy with the outcome of the privacy complaint, the following process is undertaken where the client wishes to appeal the original decision.

