

Policy and Procedure Register updates – Summary of changes to:

Privacy data breach and complaints procedure

1. Reason for new/updated policy or procedure (select all that apply)

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| ☒ Change of policy/procedure requirements | ☐ Red tape reduction initiative | ☐ Audit/review recommendation |
| ☒ Change to legislation/delegations | ☐ Due for review | ☐ Other |

The Privacy data breach and complaints procedure will update the current [Information privacy breach and privacy complaints procedure](#). It supports the department's compliance with the [Information Privacy Act 2009 \(Qld\)](#) (IP Act) and [Privacy Act 1988 \(Cth\)](#) by updating the process that the department and its employees must follow when responding to a privacy data breaches or a privacy complaint to align with changes introduced by the [Information Privacy and Other Legislation Amendment Act 2023 \(Qld\)](#) (IPLA Act).

2. Summary of changes

The updated procedure focusses on providing clear responsibilities and reporting lines for privacy data breaches and privacy complaints and ensuring these are reported to the Privacy team as soon as possible. It also emphasises the Privacy team's lead role in coordinating the investigation and response to data breaches and complaints within legislated timeframes and ensuring the required notifications are made to individuals, the Information Commissioner (OIC) and other entities.

The new procedure also introduces new and updated terminology to align with the legislative changes. Key changes include:

- title changed from *Information privacy breach and privacy complaints procedure* to *Privacy data breach and complaints procedure*
- a privacy breach is now a privacy data breach
- Information Privacy Principles (IPPs) are now Queensland Privacy Principles (QPPs)
- using the official initialism IP Act instead of *Information Privacy Act 2009 (Qld)* to reduce wordiness
- introducing the term eligible data breach for data breaches that could result in serious harm to individuals
- introducing the department's notification obligations under the Mandatory Notification of Data Breaches (MNDB) scheme.

New responsibilities are added for the Privacy team regarding eligible data breaches under the new MNDB scheme and other IP Act changes, and for complainants clarifying the process and timeframes for making privacy complaints. Existing responsibilities have been condensed and reworded to reduce ambiguity and make them easier to understand.

The procedure remains divided into two separate processes, however all numbered subheadings have been removed and each process has been renamed as follows:

- Process A: Responding to a privacy data breach
- Process B: Managing a privacy complaint

Both processes contain new sections and existing sections carried over from the previous procedure have been re-written with new steps, roles, responsibilities and terminology that align them with changes introduced by the IPOLA act and new reporting requirements for eligible data breaches under the MNDB scheme.

3. Impacts to roles and responsibilities

Does the new/updated content change staff roles/responsibilities *in any way*? ☒ Yes ☐ No

If yes, select the type of change: (select all that apply)

☒ Revised responsibilities ☒ New/additional responsibilities ☐ Removed responsibilities

Position title	Summary of change	Page #
All employees	Simplified existing points with clearer wording. Replaced links to specific training programs with a general requirement to undertake role relevant training.	2
Managers, principals, directors and above	Added link to the Charter of Victims' Rights. Merged and simplified responsibilities to refer privacy data breaches to the Privacy team, seek advice, support investigations and contact emergency services if there is an immediate risk of harm. Clarified when to notify affected individuals of eligible data breaches and provide information to support the department's eligible data breach register.	2
Privacy and Safer Technologies (Privacy team)	Added link to the Charter of Victims' Rights. Added more detail regarding how they assist employees and support other areas to notify affected individuals and lead the department's privacy data breach and complaint process. Added new responsibility to determine if a breach meets mandatory notification threshold under the MDNB.	2-3
Privacy Director	Add new responsibility for Privacy Director to notify OIC of eligible breaches under the MNDB.	3
Complainant	Clarified when and how a privacy complaint should be made. Added requirement to lodge a written complaint within 12 months of becoming aware of the incident.	3

4. Communication and support for implementation

Changes to the procedure will be communicated with the relevant stakeholders and consultation has occurred with subject matter experts within the Department of Education.

Department wide communication of the procedure within OnePortal will be developed in consultation with ITB's communication team.

Current mandatory training has been reviewed and updated to ensure it aligns to the IP Act changes.

For further assistance, please contact:

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