

How to make a privacy complaint

South Bank Corporation (SBC) is committed to managing personal information in accordance with the privacy principles in the *Information Privacy Act 2009* (IP Act). If you believe SBC has not handled your personal information properly, you may wish to make a privacy complaint.

Queensland Privacy

The main privacy obligations are found in the Queensland Privacy Principles (QPPs) which deal with:

QPP 1	Open and transparent management of personal information
QPP 2	Anonymity and pseudonymity
QPP 3	Collecting solicited information
QPP 4	Dealing with unsolicited information
QPP 5	Notification of collection of personal information
QPP 6	Use and disclosure of personal information
QPP 10	Quality of personal information
QPP 11	Security of personal information
QPP 12	Access to personal information
QPP 13	Amendment of personal information

Overseas transfer (Section 33)

Mandatory Notification Data Breach (Chapter 3A)

Personal information means information or opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

What is a privacy complaint?

A privacy complaint is a complaint about an act or practice of SBC in relation to your personal information that is a breach of SBC's obligations under the IP Act. In Queensland, the complaint process consists of three tiers. You can submit your complaint to:

1. **South Bank Corporation** - Make a complaint to SBC which has 45 business days to respond (or a further extension period).
2. **Information Commissioner** – If you have not received a response in that time, or if you have received a response but you do not consider it to be adequate, you can make a complaint to the Information Commissioner who may mediate the complaint.
3. **Queensland Civil and Administrative Tribunal (QCAT)** - If you are not satisfied with the Information Commissioner outcome, you may ask to have your complaint referred to QCAT for determination.

Who can make a privacy complaint?

You can only make a complaint about the handling of **your own personal information** (or your child's personal information if the child is under 18 years).

You can make the complaint yourself, or you can authorise another person to make the complaint for you, like a lawyer or family member.

When can I make a complaint?

A complaint should be made within 12 months after you became aware of the matter so, depending on the circumstances, complaints made outside this time may not be accepted.

How can I make a complaint?

Privacy complaints to SBC must be made in writing. You can make a complaint by completing and submitting the *Privacy Complaint Form* which is available on our website.

You will need to provide enough information to enable us to deal with your complaint, including:

- your name
- evidence of your identity
- how we can contact you
- details of what occurred and when
- the outcome you are seeking.

If someone is acting on your behalf, they will need to provide:

- evidence of their own identity
- evidence of your identity
- something authorising them to act for you.

Why do we need evidence of your identity?

We may need you to provide evidence of your identity when you make a privacy complaint. This ensures that we are dealing with the right person and not disclosing your personal information to someone who is not authorised to receive it.

The type of documents people can provide as evidence of identity include passport, driver's licence, or birth certificate, but other documents might do just as well. If we need evidence of identity and you do not provide it with the complaint form, we will follow up with you to discuss the options.

You can email documents, but physical copies of original documents must be certified as a true copy by a solicitor or barrister, justice of the peace, Notary Public, senior officer of the court, or other professional, including a doctor, senior police officer or pharmacist.

What can I expect if I make a complaint?

If you make a complaint, it will be treated seriously and fully investigated. An experienced officer will deal with your complaint and talk to you about what has happened and what outcomes you would like. You will be kept updated on the progress of your complaint and be given the opportunity to provide additional information if needed.

Timeframes

Complaints are responded to within the 45 business days unless there is a good reason for seeking your agreement to an extension of time. Once the complaint is finalised, you will be given an outcome letter which explains the steps taken in the investigation, the decision, and the reasons for reaching the decision.

If you have not received a response from SBC within 45 business days, or if you have received a response but you do not consider it to be adequate, you can make a complaint to the Information Commissioner. The role of the Information Commissioner is not to determine whether a breach has occurred or to impose a particular settlement. The Information Commissioner's role is to consider the complaint and where appropriate, attempt to mediate a resolution. If you are not satisfied with the outcome, you can ask the Information Commissioner to refer your complaint to QCAT for determination.

Further Information

Our Privacy Team may be able to provide further information on the complaints process or assist you with submitting your complaint.

The complaint form can be found on the SBC website.

E: privacy@south-bank.net.au

W: www.south-bank.net.au

The Queensland Information Commissioner website has resources on understanding your privacy rights and making complaints www.oic.qld.gov.au.