

GUIDELINES AND PROCEDURES

PRIVACY COMPLAINT HANDLING GUIDELINES AND PROCEDURES

Responsibility of: IT and Information Services
Effective Date: August 2016
Next Review Date: August 2018
Target Audience: Staff/Parents/Community

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This document should be read in conjunction with Department of Education **Privacy Complaints Policy** and **Privacy Policy/Statement**.

1. INTRODUCTION

The Department of Education is committed to protecting the privacy of personal information in accordance with the department's Privacy Policy which reflects the Information Privacy Principles (IPPs) set out in the Northern Territory (NT) *Information Act*.

Individuals who wish to enquire about how the department collects, uses or manages personal information, or who wish to access or change personal information held by the department, should contact the department's Freedom of Information and Privacy Officer (details below).

Individuals who believe that the department has breached the privacy of their personal information may lodge a complaint with the department's IT and Information Services branch. All privacy complaints lodged with the department will be investigated and a written response will be provided to the complainant.

2. DEFINITIONS

Personal information – Section 4A of the *Information Act* (dated 1 May 2016) provides:

4A Personal information

- (1) Government information that discloses a person's identity or from which a person's identity is reasonably ascertainable is **personal information**.
- (2) However, the government information is not **personal information** to the extent that:
 - (a) the person's identity is disclosed only in the context of having acted in an official capacity for a public sector organisation; and
 - (b) the government information discloses no other personal information about the person.
- (3) In this section:
acted in an official capacity, in relation to a public sector organisation, means having exercised a power or performed a function as, or on behalf of, the organisation.

Complainant is a student, parent, community member, business or any other person affected by the actions of the department and may include a departmental employee in their private capacity who has a complaint.

Complaint is the expression of dissatisfaction with any aspect of the service provided, or not provided or regulated by the department. It may include the behaviour or decisions of staff, or practices, policies or procedures. A complaint must contain sufficient detail to enable it to be recorded and addressed.

3. ROLES AND RESPONSIBILITIES

Complainants should:

- raise their concerns to the department's IT and Information Services branch (contact details below)
- be clear about the concerns they have and the outcome they are seeking
- raise their concerns in a courteous and respectful manner
- provide contact details to the officer receiving their complaint so that the matter can be addressed and the outcome reported back to them.

Staff receiving privacy complaints will forward the complaint to the IT and Information Services branch via detfoi.det@nt.gov.au.

Staff responding to the complaints will:

- receive, respond to and manage complaints in accordance with these guidelines and relevant policies
- record and refer unresolved complaints for ongoing management in accordance with these guidelines, the relevant policies and relevant legislation
- adhere to the requirements of approved departmental and school specific policies and guidelines
- seek advice from the Chief Information Officer or the Legal Services unit in relation to concern or uncertainty or if the complaint has legal implications
- manage privacy complaint records in accordance with the Records Management policy and guidelines.

All staff will comply with these guidelines and procedures when receiving/handling privacy complaints.

4. GUIDELINES/PROCEDURES

Making a Privacy Complaint

Privacy complaints must be lodged with the department's IT and Information Services branch, preferably in writing. A copy of the privacy complaint form is available from the department's website (<https://education.nt.gov.au/policies/complaints>) or by contacting the department. Departmental officers are available to assist members of the public with privacy complaint forms and processes.

Please note that in order to protect a person's privacy, the department only accepts complaints made by the persons directly affected or their authorised representative. Proof of authority will be required if you are making a privacy complaint on someone's behalf.

Resolving a Privacy Complaint

The goal of this guideline is to achieve effective resolution of privacy complaints within a reasonable timeframe. The department will endeavour to deal with privacy complaints within 30 calendar days from the date of receipt, however in some cases, particularly if the matter

is complex, this timeframe may need to be extended. If an extended timeframe is necessary, regular contact will be maintained with complainants to advise of the department's progress.

Once a complaint has been lodged with the department's IT and Information Services branch, the officer handling the complaint will attempt to resolve the matter in a number of ways:

- **Request further information**
Complainants may be requested to provide further information to enable proper investigation of their complaint. Complainants should be prepared to provide as much information as possible, including details of any relevant dates and documentation, including file references if possible.
- **Discuss options**
The department will discuss options for resolving complaints with the complainant. If complainants have suggestions about how complaints may be resolved, they should be raised with the departmental officer handling the complaint.
- **Investigation**
Investigation of complaints may involve the retrieval of relevant records, consultations with relevant business areas of the department or contact with other third parties if necessary. During the investigation of a complaint, relevant details of the complaint and the complainant may need to be disclosed in order to progress the complaint. If a complaint involves the conduct of a departmental employee, comment or other input from the employee may be sought as part of the complaint investigation and resolution process.
- **Outcome of complaint**
Once investigation of a privacy complaint has been completed the departmental officer will prepare a recommendation for the Chief Information Officer– the officer responsible for fulfilling the department's obligations under the *Information Act*. The Chief Information Officer will make a decision regarding the outcome of the complaint and will advise the complainant in writing of the decision and the reasons for that decision.

The Chief Information Officer may refer decisions on privacy complaints to a Deputy Chief Executive or other senior officers where it is necessary to have Executive endorsement to implement agreed resolutions.

Reporting

The department reports de-identified information about privacy complaints in the Compliance with Information Act section of the Annual Report.

Complaint not resolved

If a complainant is not satisfied with the outcome of their privacy complaint, the complaint may be lodged with the Office of the Information Commissioner in accordance with Section 104 of the *Information Act*.

Contact

IT and Information Services branch

Department of Education
GPO Box 4821
Darwin
NT 0801

Phone: (08) 8901 4907

Email: detfoi.det@nt.gov.au

PRIVACY COMPLAINT PROCESS FLOWCHART

