



BUILDING SERVICES AUTHORITY PRIVACY COMPLAINT GUIDELINES

The Queensland Building Services Authority (BSA) is committed to ensuring compliance with the provisions of the [Information Privacy Act 2009](#) which deals with the collection, management, use or disclosure of personal information

What is a privacy complaint?

[Chapter 5](#) of the *Information Privacy Act 2009* provides for an individual to make a complaint about an agency's breach of the privacy principles which occurred on or after 1 December 2009.

For the purposes of this document, a complaint refers specifically to an information privacy complaint.

[Section 164](#) of the *Information Privacy Act 2009* defines a privacy complaint as a complaint by an individual about an act or practice of a relevant entity (the **respondent** for the complaint) in relation to the individual's personal information that is a breach of the relevant entity's obligation under this Act to comply with—

- the [privacy principles](#); or
- an approval under [section 157](#).

relevant entity means—

- (a) an agency, in relation to documents of the agency; or
- (b) a bound contracted service provider, in relation to documents held by the bound contracted service provider for the purposes of performing its obligations under a service arrangement.

What is personal information?

Personal information is 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.

Who can lodge a privacy complaint?

Generally, a person can only make a complaint about their own personal information. However exceptions exist such as:

- an agent (e.g. lawyer) may complain on behalf of a person
- a parent may complain on behalf of a child.

What types are complaints are there?

Informal Complaints

These are complaints that are less serious in nature and are often rectified without the need for a formal complaint process.

Formal Complaints

Where the breach (actual or perceived) is likely to have significant economic or personal loss to the parties involved then a more formal approach will be taken. This will include the complainant submitting a written complaint together with any supporting documentation.

How do I lodge a formal complaint?

If an informal mediation does not resolve your issue then you can lodge a formal complaint. You need to notify us in writing with the required information. To lodge a complaint you should consider—

- a) what happened?
- b) when did the event/s occur and/or come to your attention?
- c) where did the event/s take place?
- d) who was involved?
- e) what information privacy principle/s you believe have been breached?

Please refer to the *Information Privacy Act 2009* schedule 3 on this link for the information privacy principles - [click here](#).

Processing complaints

If you have lodged a formal complaint an acknowledgement letter will be sent to you within 10 working days of receipt of your complaint. An investigation into your complaint will occur and you should expect a response within 45 working days. Should your complaint involve complex matters or require extensive investigation and consultation, it may not be possible to respond within these timeframes. You will be kept informed of any delay in providing a response and new timeframes may be negotiated with you.

Your rights of review

If you have lodged a formal complaint and you are not satisfied with the response, you may request an internal review. A request for internal review must be lodged within 20 working days of receiving the response to your initial complaint. You will be sent a written acknowledgement within 10 working days. A response will be sent within 30 working days of receipt of your internal review request by BSA, unless otherwise negotiated with you. There is **no** privacy review process for informal complaints.

If you do not agree with BSA's internal review of your formal complaint, you have the right to apply for an external review. You can do this by applying to the Office of the Information Commissioner (OIC).

Please note that you may also lodge your complaint directly with the OIC without an internal review. Refer to the OIC website for information and timeframes for lodging a complaint on the following link: [Office of the Information Commissioner](#)