

# Information Privacy Bill 2009

## Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Anna Bligh MP

### Short title

The short title of the Bill is the Information Privacy Bill 2009.

### Objectives of the Amendments

The objective of the amendments is to correct minor technical errors to ensure that the Bill can operate as intended.

### Consistency with Fundamental Legislative Principles

The amendments do not conflict with Fundamental Legislative Principles.

### Consultation

The amendments are technical in nature and consultation has not been required.

## Notes on Provisions

**Amendment 1** amends clause 52 to insert a reference to a document of a Minister. This ensures that an applicant who makes an application that is outside of the scope of the Bill receives notice of the decision that the application is outside scope, whether it is an application to an agency or a Minister.

**Amendment 2** amends an incorrect section reference in clause 69(2) to replace the reference to ‘section 200(a) or (b)’ with ‘section 199(a) or (b)’.

**Amendment 3** amends an omission in clause 76 to replace the reference to an agency with a reference to a document holder, which includes an agency or a Minister. This ensures that if a document with a notation is given to a person, the accompanying statement may include a Minister's, as well as an agency's, reasons for refusing to amend the document.

**Amendment 4** amends clause 102 which sets out the potential participants in an external review. The words currently in parentheses in subclause (2) omit a comma. The clause should make reference to a 'government, agency or persons whose views were required to be sought under section 56' as it is intended to refer to a government and an agency as separate entities.

**Amendment 5** amends the title to division 4A of part 9 of chapter 3 to renumber it as division 5. Subsequent divisions 5 and 6 are renumbered 6 and 7 by amendments 6 and 8 respectively.

**Amendment 6** amends the title to division 5 of part 9 of chapter 3 to renumber it as division 6. This is consequential on amendment 5.

**Amendment 7** amends clause 123 to make a correction by inserting the word 'any' so that the clause refers to the removal of any doubt.

**Amendment 8** amends the title to division 6 of part 9 of chapter 3 to renumber it as division 7. This is consequential on amendment 5.

**Amendment 9** amends clause 190 to include a reference to a document of a Minister. This clause provides for the availability of non-official documents in the custody of the Queensland State Archives or a public library and the amendment ensures that the clause applies to a document of a Minister, as well as a document of an agency.

**Amendment 10** amends the definition of 'prescribed information' in schedule 5. The definition in paragraph (b) refers to 'information'. This is corrected to refer to 'personal information'.

**Amendment 11** amends the definition of 'reviewable decision' in schedule 5. The definition in paragraph (e) refers to 'part 4'. This is corrected to refer to 'chapter 3, part 4'.