

Information Privacy Regulation 2025

Explanatory notes for SL 2025 No. 75

made under the

Information Privacy Act 2009

General Outline

Short title

Information Privacy Regulation 2025

Authorising law

Section 135 of the *Evidence Act 1977*

Section 101 of the *Housing Act 2003*

Section 201 of the *Information Privacy Act 2009*

Section 287 of the *Public Sector Act 2022*

Section 165 of the *State Penalties Enforcement Act 1999*

Section 59 of the *Statutory Instruments Act 1992*

Policy objectives and the reasons for them

The policy objectives of the *Information Privacy Regulation 2025* (IP Regulation 2025) are to remake the *Information Privacy Regulation 2009* (IP Regulation 2009) to support the effective operation of the *Information Privacy Act 2009* (IP Act), to implement the results of a sunset review of the IP Regulation 2009 and the *Right to Information Regulation 2009* and to facilitate amendments to the IP Act under the *Information Privacy and Other Legislation Amendment Act 2023* (IPOLA Act).

The IPOLA Act received Royal Assent on 4 December 2023.

The IPOLA Act, among other things, amends the *Right to Information Act 2009* and the IP Act. It implements or responds to recommendations for legislative change to Queensland's information privacy and right to information frameworks from a number of reports including:

- the report on the *Review of the Right to Information Act 2009 and Information Privacy Act 2009*, tabled in the Legislative Assembly on 12 October 2017;
- the Crime and Corruption Commission (CCC)'s report, *Operation Impala, A report on misuse of confidential information in the Queensland public sector*, tabled in the Legislative Assembly on 21 February 2020;
- the CCC's report, *Culture and Corruption Risks in Local Government: Lessons from an investigation into Ipswich City Council*, tabled in the Legislative Assembly on 4 August 2018;
- the *Strategic Review of the Office of the Information Commissioner*, tabled in the Legislative Assembly on 11 May 2017; and
- *Let the sunshine in: Review of culture and accountability in the Queensland public sector*, provided to the Premier and Minister for the Olympics and Paralympics on 28 June 2022.

Achievement of policy objectives

The IP Regulation 2025 facilitates these objectives by remaking the IP Regulation 2009 to:

- prescribe the matters to be included in the report of the Information Commissioner under section 193 of the IP Act;
- prescribe the matters to be included in the report on the operation of the IP Act under section 194 of the IP Act; for both the 2025-2026 and 2026-2027 financial years;
- prescribe a 'disclosing agency' (which may provide certain personal information to another agency in limited circumstances under section 54(1) of the IP Act);
- declare 'principal offices' for public authorities under schedule 5 of the IP Act;
- include consequential amendments to ensure alignment with changes under the IPOLA Act; and
- include transitional provisions to clarify the requirements for annual reports.

The IP Regulation 2025 commences on 1 July 2025 concurrently with the amendments to the IP Act made by the IPOLA Act.

The IP Regulation 2025 continues existing annual reporting requirements for the 2025-2026 financial year, subject to minor drafting changes and changes required as a result of the IPOLA Act).

Consistency with policy objectives of authorising law

The IP Regulation 2025 is consistent with the policy objectives of the IP Act.

Inconsistency with policy objectives of other legislation

The IP Regulation 2025 is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives. The IP Act requires subordinate legislation to facilitate its effective operation. Provisions in the IP Act set out matters to be prescribed under regulation, such as matters prescribed in annual reports under sections 193 and 194 of the IP Act.

Benefits and costs of implementation

The IP Regulation 2025 facilitates key changes made by the IPOLA Act to Queensland's information privacy and right to information frameworks.

The Office of the Information Commissioner Queensland was allocated \$11.465 million over four years from 2023-24 and \$2.563 million ongoing for operational implementation of the IPOLA Act, development of an ICT solution and training and awareness activities.

Consistency with fundamental legislative principles

The IP Regulation 2025 is consistent with fundamental legislative principles.

Consultation

In conducting the sunset review of the *Right to Information Regulation 2009* and IP Regulation 2009 the Department of Justice released a consultation paper in September 2024 to agencies

subject to the RTI Act and IP Act, including, statutory bodies, public universities, local governments, the Queensland Law Society, the Bar Association of Queensland and the Local Government Association of Queensland.

All stakeholders were broadly supportive of the approach taken in the IP Regulation 2025.

In accordance with the *Queensland Government Better Regulation Policy*, the Office of Best Practice Regulation (OBPR) was notified of the regulatory proposal and a summary Impact Analysis Statement (IAS) prepared that identifies that the IP Regulation 2025 is not subject to regulatory impact assessment requirements as it is a regulatory proposal that is minor and machinery in nature.

The sunset review identified a need for the current IP Regulation 2009 to be replaced to ensure ongoing support for existing processes, and functions and to improve the overall effective and efficient administration of the amended RTI and IP Acts.