

Information Privacy Act 2009

| DELEGATE | DESCRIPTION OF POWER DELEGATED | LEGISLATION | DATE AND NUMBER OF RESOLUTION | CONDITIONS TO WHICH THE DELEGATION IS SUBJECT |
|-------------------------|--|---|-------------------------------|---|
| Chief Executive Officer | Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances. | Section 29(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to agree with an individual to transfer an individual's personal information to an entity outside Australia | Section 33(a) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare. | Section 33(c) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs. | Section 33(d)(i) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to enter into a service arrangement with a service provider. | Section 34(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to consider a person has an appropriate interest in the amendment of the personal information. | Section 44(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to consider a search for a document from a backup system is appropriate. | Section 49(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency. | Section 50(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application. | Section 50(5)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | Section 50(1) of the Act provides that only the CEO can exercise this power |
| Chief Executive Officer | Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons – (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner. | Section 52(1)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

Register of Delegations - Council to Chief Executive Officer

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| Chief Executive Officer | Power to give prescribed written notice to the applicant of the decision. | Section 52(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to inform a person how an application does not comply with a relevant application requirement. | Section 53(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements. | Section 53(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision. | Section 53(6) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to make reasonable efforts to inform the applicant of the matters set out in 54(2). | Section 54(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c). | Section 54(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision. | Section 54(5)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application. | Section 55(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to continue to consider the application and make a considered decision in relation to it in certain circumstances. | Section 55(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person. | Section 56(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether – (a) the document is a document for this chapter; or (b) the information is exempt information or contrary to public interest information. |

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| Chief Executive Officer | Power to decide – (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information. | Section 56(3)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party. | Section 56(3)(c) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to defer giving access to a document. | Section 56(3)(d) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant written notice when access is no longer deferred under 56(3)(d). | Section 56(4) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to transfer an access or amendment application to another agency. | Section 57(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to consent to a transfer. | Section 57(2)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to refuse to deal with an application without having identified any or all of the documents. | Section 59(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out – (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions. | Section 60(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant a written notice regarding its refusal to deal with an application under section 60. | Section 61(1)(a) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

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| Chief Executive Officer | Power to give the applicant a reasonable opportunity to consult with the agency. | Section 61(1)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal. | Section 61(1)(c) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to agree upon a longer prescribed consultation period. | Section 61(6)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application. | Section 62(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application. | Section 63(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to make a decision (a considered decision) – (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given, | Section 65(a) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give written notice of a decision. | Section 65(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to give prescribed written notice of the decision to the applicant. | Section 66(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to give a prescribed written notice to an applicant. | Section 68(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give a prescribed written notice. | Section 69(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

Register of Delegations - Council to Chief Executive Officer

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| Chief Executive Officer | If a person makes an amendment application for a document, power to:- (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision. | Section 70 <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give prescribed written notice of the decision to the applicant. | Section 71(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to refuse to amend a document if the agency is not satisfied:- (a) the personal information is inaccurate, incomplete, out of date or misleading; or (b) the information sought to be amended is personal information of the applicant; or (c) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application. | Section 72(1)(a) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application. | Section 73(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information. | Section 74 <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant written notice of the nature of the notation. | Section 76(3)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document. | Section 76(5) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to give prescribed written notice to the applicant of the decision. | Section 76(5)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

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| Chief Executive Officer | Power to consider whether an access charge for an access application should be waived. | Section 81(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | When deciding to waive any access charge for an application, power to consider:- (b) the applicant is the holder of a concessional card; and (c) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge. | Section 82(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period. | Section 82(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to defer giving access to a document for a reasonable period. | Section 87(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1). | Section 87(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document. | Section 88(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted. | Section 88(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to decide that it is reasonably practicable to give access to the copy. | Section 88(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure. | Section 91(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

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| Chief Executive Officer | Power to make an agreement with an information giver for the disclosure of information given by that person. | Section 91(3)(a) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person. | Section 91(3)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency. | Section 92(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to review a reviewable decision and make a new decision. | Section 94(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to notify an applicant of a decision. | Section 97(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give a prescribed written notice of the decision to the applicant. | Section 97(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to apply to the information commissioner to participate in the external review. | Section 102(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application. | Section 106(1)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the applicant for external review and the commissioner an additional statement. | Section 112(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the commissioner a written transcript of words recorded or contained in the document. | Section 114(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to give the commissioner a written document created using the equipment. | Section 114(3) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

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| Chief Executive Officer | Power to conduct a particular further search, or to conduct further searches, for a document. | Section 115(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to apply to the information commissioner that a person be declared a vexatious applicant. | Section 127(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to request the commissioner to refer a question of law arising on an external review to QCAT. | Section 131(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review. | Section 132(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to apply to the information commissioner for an approval under this section. | Section 157(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice. | Section 159(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period. | Section 159(3)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to apply to QCAT for a review of the decision of the information commissioner. | Section 161(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to agree on a resolution of the complaint. | Section 172(1) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to ask the information commissioner to prepare a written record of the agreement. | Section 172(2) <i>Information Privacy Act 2009</i> | 23 November 2017 | |

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| | SCHEDULE 3 - INFORMATION PRIVACY PRINCIPLES | | | |
| Chief Executive Officer | Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information. | Section 7(3)(a) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare. | Section 10(1)(b) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances. | Section 10(1)(d) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare. | Section 11(1)(c) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances. | Section 11(1)(e) <i>Information Privacy Act 2009</i> | 23 November 2017 | |
| Chief Executive Officer | Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity. | Section 11(1)(f)(iv) <i>Information Privacy Act 2009</i> | 23 November 2017 | |