

Procedure for dealing with "personal information" collected under the *Land Valuation Act 2010*

VAL/2013/254– Version 3

This publication has been compiled by the State Valuation Service, Department of Natural Resources and Mines

© State of Queensland 2013

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) license.



Under this license you are free, without having to seek our permission, to use this publication in accordance with the license terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this license, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Table of Contents

Table of Contents	3
Version History	4
Endorsed	4
Purpose	5
Rationale	5
Procedure	6
Responsibilities	6
Legislation	6

Version History

1	09/02/2005	Issue of original Procedure
1.1	20/06/2005	Conversion Project – New WORD/XML template; Regional Manager title updated
2	26/04/2011	<ul style="list-style-type: none"> • Provision of QVAS data for private mining statutory purposes (08/01/2009) • Updated to reflect the Land Valuation Act 2010 and the reestablishment of the position of Valuer-General
2.1	12/07/2012	<ul style="list-style-type: none"> • Link to 'Code of Conduct' updated in 'Rationale' • Checked for references to department, business area, staff titles, Act & objection periods. No changes.
2.2	19/03/2013	<ul style="list-style-type: none"> • Content Change - Rationale – re Code of Conduct • Metadata updated - Contact and log.
3	03/07/2013	<ul style="list-style-type: none"> • New version with information updated by <i>DNRM Privacy & Ethics, Governance & Strategy</i>. • New I.D. allocated. Changed from VAL/2005/1937 to VAL/2013/254 as allocated by new Sharepoint Policy Register.

Endorsed

<p>Vern DiSalvo</p> <p>A/Valuer-General, State Valuation Service</p>	<p>15th October 2013</p>
--	-------------------------------------

Purpose

The purpose of this procedure is to set out the procedure to be adopted in dealing with information collected by the Valuer-General for valuation purposes.

Rationale

The *Information Privacy Act 2009* (the IP Act) provides for the fair collection and handling of personal information of individuals. Personal information is defined in the IP Act as ‘*any information or an opinion, whether true or not and whether recorded in material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion*’. This is a very broad definition and essentially means any information that can be linked to an identifiable individual.

A property address on its own is not personal information. However, when it is linked to a person’s name, it becomes personal information.

As an agency of the Queensland Government, the Department of Natural Resources and Mines (the department) has obligations to comply with the IP Act, including the Information Privacy Principles (IPPs) when collecting, securing, using and disclosing personal information.

Information Privacy Principle 11 (IPP11) places limitations on the circumstances when personal information can be disclosed to a third party. While a full list of the exceptions are in Schedule 3 of the IP Act, in most cases, personal information can be disclosed when either:

- the likelihood of the disclosure was communicated to the subject at or near the point the information was collected (e.g. through a privacy statement); or
- the subjects of the information have consented to the disclosure; or
- there is a lawful provision authorising or requiring the disclosure:
 - Disclosure of personal information is *authorised* by law where there is a specific legislative provision granting the *discretion* to disclose the information for that purpose (e.g. the chief executive may disclose...)
 - Disclosure is *required* under law where there is a *specific requirement* in a legislative provision to disclose it for that purpose (e.g. the chief executive must disclose...).

Statutory searches of public registers of information (including personal information) are available to anyone (including government agencies) upon payment of the statutory fee.

The *Land Valuation Act 2010* (the LV Act) provides a lawful authority for the department regarding its management of personal information as specified in that Act. For example, section 208 provides that the Valuer-General may contract to supply bulk data from the valuation roll. However, the LV Act limits the use of certain information (names and addresses) by value-added resellers of data. Direct marketing is not permitted.

In addition, the Valuer-General has chosen to apply a “Code of Conduct” to its dealings with personal information gathered under the Act.

The *Personal Identification Information in Property Data Code of Conduct* (the Code) is designed to help protect the personal identification details of Queensland property owners and to stop unsolicited direct marketing using QVAS data. The Code strictly prohibits using personal identification information (i.e. names and addresses) for unsolicited direct marketing by mail, telephone or other means. An information broker must be a subscriber to the Code before DNRM approves the issue of a licence.

It is the purpose of the Code to place similar limitations on the use of this information by government bodies.

The “Code of Conduct” is administered by an independent, three-member Code Oversight Committee, which will monitor compliance with the code and receive and investigate complaints. The Committee comprises an independent chair, an industry representative and a consumer representative. The Code can be read at <http://www.propertydatacodeofconduct.com.au/ttsvr/home>

The reason why property owners supply certain information to government is to secure their interest in land (security of title – indefeasible title). The government places an obligation on such people to pay rates and land tax.

Consequently, any correspondence between government and the landholder that is primarily to do with their interest in the land, or their obligation to pay rates or land tax, is a legitimate use of this data.

Procedure

Under section 184 of the LV Act, the Valuer-General may give unprotected valuation roll information to another department of Queensland or the Commonwealth. However, bulk names and addresses of land owners will only be supplied to government organisations from QVAS where the primary use of this information relates to that organisation’s appropriate administration of issues associated with the security of the property owners’ interest in land, rates or land tax.

The Valuer-General may approve the use of such information for other purposes in exceptional circumstances, where authorised or required by law. In all other instances, only addresses (no names) will be supplied.

Pricing of the above services will be determined from time to time, and will generally be based on the cost of provision.

Responsibilities

Requests for bulk data from QVAS are made directly to the Manager, Land Systems and Spatial Information Access or the Principal Advisor, Queensland Valuation and Sales Database. Approval for release is sought through the Deputy Valuer-General to the Valuer-General as required.

It is the responsibility of the Area Managers, State Valuation Service (SVS) to refer any requests received at regional office level to the Principal Advisor Queensland Valuation and Sales (QVAS) in the first instance.

Legislation

Land Valuation Act 2010

Information Privacy Act 2009

Call: 13 QGOV (13 74 68)

Visit: www.dnrm.qld.gov.au