

# Procedure for disclosing "personal information" collected under the *Land Valuation Act 2010*

**VAL/2013/254**

**Version 4.01**

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## Version History

Version	Date	Description/Comments
1.00	09/02/2005	Issue of original Procedure
1.01	20/06/2005	<ul style="list-style-type: none"> <li>• Conversion Project – New Word XML template.</li> <li>• Regional Manager title updated.</li> </ul>
2.00	26/04/2011	<ul style="list-style-type: none"> <li>• Provision of QVAS data for private mining statutory purposes (08/01/2009)</li> <li>• Updated to reflect the <i>Land Valuation Act 2010</i> and the re-establishment of the position of Valuer-General</li> </ul>
2.01	12/07/2012	<ul style="list-style-type: none"> <li>• Link to 'Code of Conduct' updated in 'Rationale'</li> <li>• Checked for references to department, business area, staff titles, Act &amp; objection periods. No changes.</li> </ul>
2.02	19/03/2013	<ul style="list-style-type: none"> <li>• Content Change - Rationale – re Code of Conduct</li> <li>• Metadata updated - Contact and log.</li> </ul>
3.00	03/07/2013	<ul style="list-style-type: none"> <li>• New version with information updated by DNRM Privacy &amp; Ethics, Governance &amp; Strategy.</li> <li>• New I.D. allocated. Changed from VAL/2005/1937 to VAL/2013/254 as allocated by new Sharepoint Policy Register.</li> </ul>
4.00	22/06/2016	<p>All changes approved by Valuer-General, State Valuation Service:</p> <ul style="list-style-type: none"> <li>• New Major version. Procedure updated with extensive changes as a result of consultation with Judy Lloyd, A/Principal Governance Officer (Privacy), Dept Environment and Heritage.</li> <li>• Updated to new DNRM template</li> <li>• Updated information including 'latest review' within title page, version history table and footer</li> <li>• Date of last review included in title and footer</li> <li>• Cosmetic content update with current organisation and policy document names.</li> </ul>
4.01	28/11/2018	<ul style="list-style-type: none"> <li>• Updated definition of personal information per <i>Information Privacy Act 2009</i>.</li> <li>• Updated to new DNRME template.</li> <li>• Updated hyperlinks and removed dead links.</li> </ul>

## Approval

Position	Name	Date
A/Valuer-General	Vern DiSalvo	15/10/2013
Valuer-General	Neil Bray	22/06/2016
Valuer-General	Neil Bray	28/11/2018

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## 1 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.

## 2 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 ‘*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.*’ 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. The obligations are set out in Chapter 2 of the IP Act. A full list of the 11 IPPS can be found in Schedule 3 of the IP Act.

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. The personal information is stored in the Queensland Valuation and Sales (QVAS) system which forms the valuation roll as required by the LV Act. In addition, the Valuer-General has chosen to apply a “Code of Conduct” to its dealings with personal information gathered under the Act.

There are several circumstances under which the Valuer-General or an appropriately authorised officer within the State Valuation Service (SVS) may disclose information stored in QVAS in response to a request. This includes requests for the following type of information as prescribed under the LV Act:

- Certified copies of unprotected valuation roll information to anyone who pays the fee (required under s.183).
- Unprotected valuation roll information may be given to Commonwealth departments or other Queensland state departments (authorised under s.184).
- Information from an ownership change notice may be supplied to anyone on payment of the fee (authorised under s.185).
- Statistics about the value of land may be supplied to anyone on payment of the fee (authorised under s.185).
- Copies of the valuation roll to State Revenue, relevant administering authorities and relevant local governments in Queensland (required under s.203).
- Supply of bulk data under contract, providing the data comprises 20% or more of the total valuation roll (authorised under s.208). However, the contract may limit the use to which the data can be put e.g. direct marketing is not permitted.

If none of the above legislative provisions authorising disclosure apply and the information is about an identifiable individual, disclosure can only occur providing one of the exceptions in IPP11 applies. See the Rationale on page one of this document and for further information, refer to the Privacy Toolkit – [Use or disclosure of personal information decision flowchart](#).

If the information is not about an individual whose identity is apparent or can reasonably be ascertained then release of the information will not breach the IP Act.

If none of the above applies, requests for access to information which contains the personal information of an individual other than the applicant should be submitted as formal applications for access under the Right to Information Act 2009 (RTI Act).

**Important to note:** Under section 260 of the LV Act (Confidentiality of Information), penalties apply if the following types of information are disclosed without a lawful authority to do so:

- information protected under the LV Act, or
- given in response to an authorised person’s information requirement, or
- information that is not in the public domain.

This lawful authority can be either under the LV Act or another law, for example when it complies with the IP Act (i.e. if disclosure is permitted under IPP11) or under the RTI Act.

If in doubt as to whether information from the Valuation roll can be disclosed in response to a request, seek advice from RTI Services by emailing [rtiservices@ehp.qld.gov.au](mailto:rtiservices@ehp.qld.gov.au) or telephoning 3330 6111.

With regard to bulk valuation roll data supplied to value-added resellers under section 208 of the LV Act, the Valuer-General has chosen to apply a “Code of Conduct” to the use of owner’s names and service addresses supplied as part of that data.

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 valuation roll 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 for the supply of the bulk data.

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/n/Publications/qvas-245>

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.

### **3 Procedure**

Under section 184 of the LV Act, the Valuer-General may give unprotected valuation roll information to another department of the Queensland or Commonwealth Governments. However, bulk names and addresses of land owners will only be supplied to government organisations from QVAS where the Valuer-General is satisfied that the use of the data is appropriate for the conduct of that organisation’s business.

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.

Any requests for the supply of data from QVAS including bulk data under section 208 of the LV Act should be directed to the Manager, Land Systems and Spatial Information Access or the Principal Advisor, QVAS. Approval for the supply of the data is through the Deputy Valuer-General to the Valuer-General as required.

### **4 Responsibilities**

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.

### **5 Legislation**

*Land Valuation Act 2010*

*Information Privacy Act 2009*

### **6 Key Words**

personal information; land valuation act 2010; lva; information collected by the Valuer-General; information privacy act 2009; QVAS; code of conduct.