



Hon Stirling Hinchliffe MP
Member for Stafford



Queensland
Government

Minister for Infrastructure and Planning

Our ref: 10/35554

- 3 SEP 2010

Ms Jo-Anne Bragg
Email: jbragg@edo.org.au

Dear Jo-Anne

Thank you for your email of 29 July 2010 about the removal of development applications and supporting materials from some Local Government websites.

The provisions of the *Information Privacy Act 2009* (Privacy Act) applying to Local Governments from 1 July 2010 affect some documents and information that Local Governments have previously published on PD Online. This includes copies of development applications made under the *Sustainable Planning Act 2009* (SPA) and related material, if they contain personal information.

I agree that there appears to be confusion among Local Governments in the interpretation of the new provisions under the Privacy Act. The Office of the Information Commissioner issued a guideline 'Public access to information under the *Sustainable Planning Act 2009*' in December 2009, advising that unless the SPA specifically authorises the placing of documents or information online, then making documents of information available on the webpage can lead to a breach of the privacy principles.

There are only two instances when SPA specifically authorises the online publication of information or documents about development applications:

- the publication by an assessment manager of decision notices, negotiated decision notices and deemed approval notices, under section 729(3) of SPA
- the publication by Local Governments as the assessment manager, for a specified period, information about development applications as specified in section 736(1) of SPA.

I understand your concerns that development application documents may no longer be easily accessible, and agree that the publication of this information on PD Online has greatly assisted Local Governments, applicants, the development industry and the community in keeping up to date with the status of development applications and generally about development occurring in particular areas.

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PD Online also plays an important role in facilitating the transparency of the development assessment system under SPA; however, this must be balanced with outcomes required under the Privacy Act, in accordance with the privacy principles applicable to the handling of personal information. To achieve this balance, I have instructed the issues be examined with a view to amending SPA, subject to Parliament's approval, as soon as possible, to authorise the continued publication of documents and information, where appropriate, on PD Online. I am advised that this will satisfy the requirements under the Privacy Act.

I trust this information is of assistance. If you require any further information, please contact Ms Susan Pope, Acting Principal Policy Officer, Planning Policy Division, Growth Management Queensland, Department of Infrastructure and Planning, on 3235 4579 who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stirling Hinchliffe', written in a cursive style.

Stirling Hinchliffe MP
Minister for Infrastructure and Planning