

Personal Information Protection Statement

Purpose

This policy outlines how the Commissioner for Children and Young People (the Commissioner) collects, secures and shares personal information necessary for or in connection with the performance of their functions or the exercise of their powers.

Who this policy applies to

This policy applies to the Commissioner, their staff (CCYP staff), contractors, volunteers and any other authorised persons engaged by the Commissioner.

Policy statement

Information collected

The Commissioner for Children and Young People (the Commissioner) is a 'personal information custodian' within the meaning of the *Personal Information Protection Act 2004* (the PIP Act). Therefore, the PIP Act applies to the Commissioner's collection, use and disclosure of personal information, except to the extent that it is inconsistent with the *Commissioner for Children and Young People Act 2016* (the CCYP Act).

The Commissioner will only collect personal information necessary for or in connection with the performance of their functions or the exercise of their powers.

Subject to a few exceptions, the CCYP Act gives the Commissioner power to compel a person to provide information to the Commissioner where it is necessary for the performance of a function or the exercise of a power under the CCYP Act. This may include information that contains identifying details of a child or young person if this is specifically required by the Commissioner.

The CCYP Act also outlines the circumstances in which the Commissioner or their staff can share information, including personal information, and contains certain confidentiality requirements. These confidentiality requirements limit the circumstances in which a person, who is or has been involved in performing a function or exercising a power under the CCYP Act, may directly or indirectly record, dispose of or make use of information obtained in the course of performing that function or exercising that power.

The PIP Act defines 'personal information' to mean any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion, and who is alive or has not been dead for more than 25 years. Personal information can be almost any information linked to an individual, including their name, address, sex, age, or health information.

The Commissioner takes reasonable steps to ensure that the personal information they hold is accurate, complete, and up to date. Where practicable, the Commissioner will check the



accuracy of someone's personal information before it is used.

Sensitive information

Sensitive Information under the PIP Act includes, among other things, information about a person's health, their criminal record, racial or ethnic origin and their sexual 'preferences or practices'. The Commissioner will only collect sensitive information with a person's consent, or if the collection of that information is required or permitted by law.

Access to and correction of information collected

The PIP Act allows a person to request access to any of their personal information that is held by the Commissioner. Any such request should be in writing and addressed to the Commissioner. If a person considers their personal information to be incorrect, incomplete, out of date or misleading, they can request that the information be amended.

Where someone is not satisfied with the handling or outcome of a request to access or correct their personal information, they can lodge a complaint with the Ombudsman. The Ombudsman's Office can be contacted on 1800 001 170 (free call in Tasmania) or by email at ombudsman@ombudsman.tas.gov.au.

Use and disclosure of personal information

The Commissioner's staff only have access to personal information that is necessary for them to carry out their roles. All staff are bound by confidentiality requirements.

Personal information is only disclosed to other organisations or individuals with the person's consent, or if it is required or authorised by law.

Some de-identified personal information collected by the Commissioner may be used in research, statistical analysis, state or national reporting, awareness programs, public statements or training, but not in a way that compromises the protection of personal information.

Personal information provided in written submissions related to public consultations conducted by the Commissioner may be published in reports about such consultations, unless the submission was provided and/or accepted on a confidential basis.

Security of personal information

The Commissioner uses several procedural, physical, and technical safeguards, including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Generally, there is an intention that information is destroyed or permanently de-identified when it is no longer required, but this can only be done in accordance with processes approved by the State Archivist under the *Archives Act 1983*.



Legislation

- *Personal Information Protection Act 2004* (Tas)
- *Commissioner for Children and Young People Act 2016* (Tas)
- *Archives Act 1983* (Tas)

Related policies and procedures

CCYP policies and procedures

- Complaints Management Policy and Complaints Management Guide
- Engagement Policy and Engagement Procedure
- Images and Other Recordings of Children and Young People Policy
- Public Enquiry Policy and Public Enquiry Procedure

Authorisation

Authorised by: Ros Cornish, Interim Commissioner for Children and Young People
Last significant review: July 2026
Review due: June 2027