

# Education and Other Legislation Amendment Bill 2026

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8 May 2026

Mr Nigel Hutton  
Chair  
Education, Arts and Communities Committee  
Queensland Parliament

By email: [eacc@parliament.qld.gov.au](mailto:eacc@parliament.qld.gov.au)

Dear Chair,

### **Inquiry into the *Education and Other Legislation Amendment Bill 2026***

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The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission to the Education, Arts and Communities Committee's inquiry into the *Education and Other Legislation Amendment Bill 2026* (**Bill**).

The Bill proposes a range of amendments to various Acts within the education portfolio. This includes a new part 2A in chapter 19 'Education re-entry and transition service programs' for insertion in the *Education (General Provisions) Act 2006* (**EGPA**). These programs are designed to support a child to re-engage in an educational program provided by a state school or non-state school, or to support a young person to re-engage full time in an eligible option.

Amendments are also proposed to the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (**QCAA Act**) and the *Education (Accreditation of Non-State Schools) Act 2017* (**EANSS Act**) to enable an expanded offshore delivery model for the Queensland Certificate of Education (**QCE**).

OIC's comments focus on the privacy impacts associated with the education re-entry and transition programs as well as the expanded offshore delivery model.

#### **About the Office of the Information Commissioner**

OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009* (**RTI Act**) and the *Information Privacy Act 2009* (**IP Act**).

The RTI Act promotes openness, accountability and transparency by facilitating greater access to government-held information. It supports the administrative release of government-held information as a matter of course. Formal applications for government-held information under the RTI Act should be made as a last resort only.

The IP Act provides safeguards for the handling of personal information in the public sector environment. It sets out the Queensland Privacy Principles (**QPPs**) which govern the collection, management, use and disclosure of personal information by Queensland public sector agencies. The IP Act is intended to operate subject to the provisions of other Acts regulating personal information.

## **General observations**

### Privacy by design

A privacy by design approach is recommended for all new or changed systems and processes which involve handling personal information. In alignment with this approach, it is recommended that a [Privacy Impact Assessment \(PIA\)](#) be undertaken for the education and re-entry transition service programs as well as the expanded offshore delivery model.

PIAs should identify privacy impacts, assess compliance with the QPPs, develop mitigating measures and formulate a privacy risk management approach. It is recommended that PIAs are published, where appropriate.

### Personal and sensitive information

The education re-entry and transition programs, as well as the expanded offshore delivery model, will involve handling the personal and sensitive information of children and young people.

The IP Act defines 'personal information' as information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.<sup>1</sup>

'Sensitive information' is a subset of 'personal information' and attracts a higher level of protection under the QPPs. It is defined in Schedule 5 of the IP Act and includes an individual's racial or ethnic origin, religious beliefs or affiliations, sexual orientation or practices, criminal record, and health information.

### Queensland Privacy Principles

Agencies involved with the education re-entry and transition service programs and the expanded offshore delivery model will need to comply with the QPPs, including the following:

- open and transparent management of personal information (QPP 1)
- collection of personal and sensitive information (QPP 3)
- notification of the collection of personal information (QPP 5)
- use and disclosure of personal and sensitive information (QPP 6)
- protecting the information from misuse, interference and loss, and from unauthorised access, modification and disclosure (QPP 11.1), and
- destroying information no longer needed or ensuring the information is de-identified (QPP 11.2).

Non-government agencies engaged to provide services through a service arrangement (contracted service providers) will also be bound by privacy principle requirements.<sup>2</sup>

### Australian Privacy Principles

The QPPs are aligned to the Australian Privacy Principles (**APPs**) in the *Privacy Act 1988* (Cth). Non-state schools are generally required to comply with the APPs (whereas state schools are required to comply with the QPPs). As the education re-entry and transition service programs and the expanded offshore delivery model will involve non-state schools

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<sup>1</sup> Section 12 of the IP Act.

<sup>2</sup> Section 35 of the IP Act.

handling personal information, consideration will need to be given to compliance with these Commonwealth obligations.

### Information sharing

The education re-entry and transition programs as well as the expanded offshore delivery model will involve information sharing arrangements. OIC recommends that any information sharing arrangements should be formalised by way of a Memorandum of Understanding (**MOU**) or similar. It should, among other things, detail the purpose of the information sharing, outline compliance with the QPPs (and APPs, where applicable), set out a process to be followed for sharing information under the arrangement (for example, authorised roles to request and receive the information) and specify applicable legislation.

## **Education re-entry and transition service programs**

### Consistency in terminology

Agencies will be required to comply with the provisions in the EGPA Act, IP Act and potentially the Privacy Act when handling the personal and sensitive information of children and young people involved in the education re-entry and transition programs.

The IP Act defines 'personal information', 'sensitive information' and explains what it means to 'disclose' and 'use' personal information.<sup>3</sup> These terms will need to be applied by agencies when assessing compliance with the IP Act.

The definitions of 'personal information' and 'disclose' in the confidentiality section of the new part 2A, chapter 19 of the EGPA differ from the IP Act.<sup>4</sup> It is noted that the EGPA does not refer to 'sensitive information' nor does it explain what it means to 'use' personal information.

To promote consistency, strengthen privacy protections and reduce administrative burden associated with interpreting and applying various legislation, OIC submits that consideration be given to amending the EGPA to define key terms (including personal information, sensitive information, disclose and use) by reference to the IP Act.<sup>5</sup>

### Privacy protections

The information sharing arrangements proposed in the new part 2A in chapter 19 of the EGPA invoke a number of QPPs, particularly in relation to the collection, use and disclosure of personal and sensitive information (QPP 3 and QPP 6).

The Explanatory Notes provide that 'the information sharing power in the Bill is consistent with information sharing that also occurs under the EGPA via transfer notes when a student moves between Queensland schools, to support continuity of education, and safety and wellbeing of the student and that of the school community at the student's new school.'<sup>6</sup>

The confidentiality section in the existing part 3 in chapter 19 of the EGPA explicitly refers to transfer notes and provides that a person must not make a record, use or disclose the information to anyone else other than (list below not exhaustive):

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<sup>3</sup> Sections 12 and 23, and Schedule 5 of the IP Act.

<sup>4</sup> New section 420H(4) of the EGPA.

<sup>5</sup> Note: *Australian Education Act 2013* defines 'personal information' by reference to the *Privacy Act 1988* (section 6).

<sup>6</sup> Page 9 of Explanatory Notes.

- for the purpose of the Act; or
- with the consent of the person to whom the information relates, or if the person is a child unable to consent, with the consent of a parent of the child; or
- with the written consent of the chief executive, who may give the consent if he or she is reasonably satisfied the recording, use or disclosure is necessary to assist in averting a serious risk to the life, health or safety of a person, including the person to whom the information relates.<sup>7</sup>

The confidentiality section in the new part 2A in chapter 19 of the EGPA appears less robust than the above section. It does not refer to the 'use' of personal information, refers only to the 'consent of a parent of the child or young person to whom the information relates'<sup>8</sup> – not the person to whom the information relates and does not extend to serious risk situations.

To the greatest extent possible, the privacy of children and young people should be respected when sharing their personal and sensitive information. This includes obtaining their consent to collect, use and disclose their information. OIC submits that the new part 2A should be revised to enhance privacy protections for children and young people.

### **Expanded offshore delivery model**

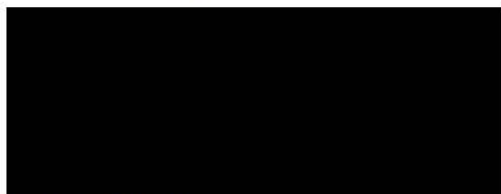
The Bill proposes amendments to the QCAA Act and the EANSS Act to enable an expanded offshore delivery model for the QCE. The insertion of a new section 18A into the QCAA Act will provide the Queensland Curriculum and Assessment Authority (**QCAA**) with functions in relation to the delivery of the QCE to recognised schools (overseas schools) through partnering entities (DoE or non-state schools).

A new section 174A in the *Education (Queensland Curriculum and Assessment Authority) Regulation 2025* will require the QCAA to make a guideline about matters the QCAA must consider in deciding the suitability of recognised schools and partnering entities. OIC submits that a key suitability consideration should relate to compliance with privacy legislation (IP Act/Privacy Act), particularly in terms of security of personal information and disclosure of personal information outside of Australia.<sup>9</sup> OIC suggests that this new section includes a provision that, in preparing the guidelines, the chief executive must consult with the privacy commissioner.

Thank you for the opportunity to make a submission. We trust our comments will assist the Committee in its work. Should you require further information, please contact us at

 or on .

Yours sincerely



Joanne Kummrow  
**Information Commissioner**

<sup>7</sup> Section 426(2)(b), 426(4)(a), (b) and (e)(i) of the EGPA Act.

<sup>8</sup> New section 420H(2)(b) of the EGPA.

<sup>9</sup> QPP 11, section 33 of the IP Act; see also APP 8 and 11.