

IMPORTANT NOTICE

IPOLA Reforms – Guide for Customers

General Goods and Services

Background

The *Information Privacy and Other Legislation Amendment Act 2023* ('IPOLA Act') will make a number of changes to the *Information Privacy Act 2009 (Qld)* (*IP Act*), commencing on 1 July 2025.

These will include replacing the current Information Privacy Principles (applicable to non-health agencies) and National Privacy Principles (NPPs) (applicable to health agencies) with the Queensland Privacy Principles (QPPs). The new QPPs will apply to all agencies.

Under the IPOLA amendments, Queensland Government agencies are required to take all reasonable steps to ensure that contracted service providers comply with the following parts of the *IP Act*:

- the QPPs
- the overseas disclosure rules in section 33
- the requirement under section 41 to comply with a QPP Code where made under a regulation

(which collectively are referred to as the 'Privacy Principle Requirements').

Once bound, the contracted supplier assumes the obligation to comply with these Privacy Principle Requirements as if it were the agency. In the event of a breach of these Privacy Principle Requirements by the contracted supplier, it will be liable under the *IP Act*, rather than the agency.

Updated GGS templates

To take account of the IPOLA amendments, Queensland Government Procurement has released an updated suite of General Goods and Services terms and conditions, for use by Queensland Government agencies and Eligible Customers, when entering into contracts with suppliers on or after 1 July 2025. This contains updates to the Privacy clause, as well as minor associated amendments.

The updated terms and conditions can be accessed from [General goods and services—templates webpage](https://www.forgov.qld.gov.au/finance-procurement-and-travel/procurement/procurement-resources/templates-including-terms-and-conditions/general-goods-and-services-templates). Alternatively, copy and paste the following link into your preferred browser: <https://www.forgov.qld.gov.au/finance-procurement-and-travel/procurement/procurement-resources/templates-including-terms-and-conditions/general-goods-and-services-templates>.

Do Customer Contracts already in existence as of 1 July 2025, need to be varied?

No, unless an agency wishes to do so.

This is because the IPOLA amendments will introduce into the *IP Act* a transitional provision applying to service arrangements with a contracted supplier that were entered into prior to 1 July 2025. This will mean for existing contracts, contracted suppliers will continue to be bound by the former 'privacy requirements' under the *IP Act* and are not required to comply with the new "Privacy Principle Requirements" introduced by the IPOLA amendments.

What about new contracts entered on or after 1 July 2025?

QGP recommends that agencies use the new contract terms and conditions for any contract entered into on or after 1 July 2025.

Any new contracts entered on or after 1 July 2025, the agency/s will be required to take all reasonable steps to ensure the contracted supplier complies with the new Privacy Principle Requirements. If the contracted agency fails to do so, it will be liable for any privacy breaches of the contracted supplier.

What about new Contracts entered on or after 1 July 2025 under an Existing Standing Offer Arrangement (SOA) or Preferred Supplier Panel (PSP)?

QGP recommends that agencies use the new contract terms for any contract entered into on or after 1 July 2025, even if using an existing SOA/PSP.

Queensland Government Procurement, as Principal, has issued a notice to all suppliers under their existing SOAs/PSPs, to vary the SOA/PSP to include the updated privacy clause which is to be incorporated into all contracts entered into under their SOA/PSP as of 1 July 2025.

However, it is important to note that it is the responsibility of each agency to make sure that it is taking all reasonable steps to ensure that contracted suppliers comply with the Privacy Principle Requirements.

To provide this assurance, agencies may wish to consider:

- liaising with their legal and privacy compliance teams;
- reviewing the resources provided by the Office of the Information Commissioner at www.oic.qld.gov.au; and
- undertaking engagement with suppliers with a view to assessing the supplier's capacity to comply with the Privacy Principle Requirements.

This guide does not constitute legal advice and is general in nature only. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.