



# PRIVACY POLICY

## JUSTICE AND COMMUNITY SAFETY DIRECTORATE

### DOCUMENT INFORMATION

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## 1. ABOUT THIS POLICY

- 1.1 The Justice and Community Safety Directorate (JACS) sometimes collects personal information about members of the public. We only do this when it is both allowed by law and necessary.
- 1.2 The rules we must follow when collecting and handling your personal information are listed in the Appendix of this policy. The main one is the [Information Privacy Act 2014](#), including the Territory Privacy Principles (TPPs).
- 1.3 This document describes:
  - what information we may collect and why
  - where we get your information from
  - how we store and protect your information
  - how we dispose of your personal information when we no longer need it.
- 1.4 It also describes what you should do and who you should contact if you want to:
  - know what information we have about you
  - correct any mistakes in that information
  - make a complaint regarding our handling of your personal information.
- 1.5 This Privacy Policy will be updated from time to time as required, and any updates will be published on the [JACS directorate website](#).
- 1.6 Each of the agencies of the JACS portfolio listed below have its own privacy policy and are not covered by this document. A link to each individual privacy policy is provided.
  - [Director of Public Prosecutions](#)
  - [Human Rights Commission](#)
  - [Public Trustee and Guardian](#)
  - [ACT Legal Aid Commission](#)
  - [ACT Policing](#)

## 2. JACS FUNCTIONS AND ACTIVITIES

2.1 Our mission is to maintain a fair, safe and just community in the ACT where people's rights and interests are protected. Our functions and activities include:

- **Policy advice and justice programs** – JACS provides policy, legislation, and ministerial support and advice to portfolio Ministers, Cabinet and other agencies on justice and community safety matters.
- **Justice services** – ACT Courts and Tribunal provide support to the Territory's judicial officers and tribunal members, as well as members of the public using the courts and tribunal. Note, the *Information Privacy Act 2014* and this Privacy Policy, only apply to the operations of the ACT Courts and Tribunal that are of an administrative nature. They do not apply to personal information that relates to proceedings before a court.
- **Legal services to Government** – The ACT Government Solicitor sits within the JACS portfolio and provides legal advice and representation to the ACT Government.
- **Legislative drafting and publishing services** – The Parliamentary Counsel's Office drafts and publishes ACT legislation and maintains the ACT Legislation Register.
- **Custodial and Corrective Services** – ACT Corrective Services is responsible for the safe and secure custody of detainees, the management of individuals on remand and offenders on community-based corrections orders, and provision of advice and services to the ACT justice system. This area of JACS holds a large amount of personal information, including sensitive information.
- **Emergency Services** – The Emergency Services Agency is responsible for supporting the ACT community in regard to emergency management. It incorporates the ACT Ambulance Service, ACT Fire and Rescue, ACT Rural Fire Service and ACT State Emergency Service.

2.2 The **Annexure** contains more information on the various business units within JACS, their functions, and the types of personal information they are likely to hold.

## 3. REMAINING ANONYMOUS

3.1 If possible, when you contact us (for example, when calling to ask for information), you will be given the option of remaining anonymous or of using a made-up name (called a pseudonym).

3.2 However, sometimes we will need you to provide your real name and other personal details. This may be because we cannot provide you with help without knowing your name. Sometimes it may be because we are required by law to collect your details or to check your identity.

- 3.3 If it is impractical or unlawful for us to deal with you without knowing some of your personal information, we will tell you why we need the information. We will also tell you what it will mean for you if you do not give us the information we need.

## 4. COLLECTING PERSONAL INFORMATION

- 4.1 At all times we try to collect only the information we need for the particular function or activity we are carrying out. We do not collect personal information about you if we do not need it.

### 4.2 HOW AND WHY WE COLLECT PERSONAL INFORMATION

#### 4.2.1 JACS may collect personal information about you when:

- we are required to or authorised to by law or by a court or tribunal order
- you participate in community consultations, committees, forums, or make submissions to us, and you give us permission to collect your personal information
- you contact us to ask for information and we need it to help you or reply to you
- you enter the Alexander Maconochie Centre as a visitor
- you join the ACT Emergency Services as a volunteer member
- you volunteer for a service, program or event managed by JACS
- you are involved in an accident, incident or near miss related to JACS' activities, resulting in the completion and submission of an incident/accident report
- you ask for access to information that JACS holds
- in undertaking procurement processes in accordance with the *Government Procurement Act 2001*
- in undertaking recruitment processes in accordance with the *Public Sector Management Act 1994*
- you are employed by JACS, including within the offices of statutory office holders.

#### 4.2.2 The ways in which we may collect your personal information include through paper or online forms, letters and emails, as well as over the telephone.

#### 4.2.3 We will normally collect information directly from you, unless it is unreasonable or impractical to do so.

4.2.4 Sometimes, for example where it is required by law, we may also obtain information collected by other Commonwealth, state or territory government bodies. JACS may also obtain information from other sources where we need the information to fulfil our legal responsibilities (such as providing emergency services or for the management of correctional services).

4.2.5 Where necessary to do our job, we may collect personal information from publicly available sources such as electoral rolls, court records, and newspapers.

### 4.3 TYPES OF INFORMATION COLLECTED

4.3.1 The types of information we may collect includes:

- your name, address and contact details (e.g. phone, email and postal address)
- information about your identity (e.g. date of birth, country of birth, passport details, visa details and driver's licence)
- information about your personal circumstances and associations (e.g. age, gender, marital status and occupation)
- information about your financial affairs (e.g. payment details, bank account details, and information about business and financial interests)
- information about your employment (e.g. applications for employment, work history, referee comments and remuneration)
- information about your opinions (e.g. submissions on reform proposals and government policy)
- information about assistance provided to you under our assistance arrangements
- photographs, video and audio recordings.

### 4.4 SENSITIVE INFORMATION

4.4.1 Sometimes we may need to collect sensitive information about you. Sensitive personal information can include information relating to racial or ethnic origin, political opinions, religious beliefs, sexual preferences, criminal records and health information.

4.4.2 Normally we will ask your permission to collect any sensitive information about you. However, sometimes we can collect sensitive information about you without your permission: for example, when it is required by a court order, or if it is reasonably necessary to prevent a threat to the life, health or safety of one or more people.

- 4.4.3 Sensitive information that has been collected because of a court order or other legal requirement, will only be used and made available to others, as allowed by law or court order.
- 4.4.4 JACS collects and holds sensitive information about the criminal records of its employees and applicants for employment. This is an ACT Public Service requirement and the information is used to assess an employee's suitability to hold their position.
- 4.4.5 JACS also collects and holds sensitive information about the criminal records of volunteers to ensure they are suitable for volunteer work in JACS.
- 4.4.6 JACS also holds the following sensitive information where it relates to the management of a custodial facility or court proceeding:
- criminal record
  - biometric information
  - racial or ethnic origin
  - religious beliefs
  - sexual orientation and practices.
- 4.4.7 JACS does not routinely collect or hold other types of sensitive information, including:
- philosophical beliefs
  - membership of a political association
  - membership of a professional or trade association
  - membership of a trade union (except for union representatives)
  - genetic information.
- 4.4.8 Further information on the types of personal information generally collected by JACS can be found in the document "Privacy Policy Annexure – Justice and Community Safety Portfolio Functions". A link to this document can be found on the [JACS website](#).

## 4.5 NOTICE OF COLLECTION

4.5.1 When JACS needs to collect personal information from you, we will take reasonable steps to notify you about<sup>1</sup>:

- who we are and how you can contact us
- why we are allowed to collect your personal information
- the laws that require us to collect this information (if any)
- how you may be affected if we cannot collect the information we need
- the details of any organisation with which we normally share personal information, including whether they are overseas, and if so, in which countries
- that this policy exists and that it describes how we handle your information, how you can access or request changes to your personal information, and how we deal with complaints about how we handle your information, and
- how you can access this policy.

4.5.2 We will try to tell you about these things either before we collect your information or when we collect your information. If that is not possible, we will tell you as soon as we can after we have collected your information.

## 4.6 COLLECTING INFORMATION THROUGH OUR WEBSITES

4.6.1 When you go onto one of our websites, some non-personal information is automatically collected. This includes information about how you have accessed the internet, what you have looked at on our websites and what you have downloaded.

4.6.2 No personal information about you is collected automatically from our websites. We only collect personal information about you from a website when you give it to us, for example when you respond to a stakeholder survey.

4.6.3 To find out more about the information we collect from our websites refer to the [ACT Government Web Privacy Policy](#).

## 4.7 SOCIAL NETWORKING SERVICES

4.7.1 JACS has no control over social networking services such as Facebook and Twitter. If you contact us using a social networking service, they may collect and use your personal information. Social networking services will have their own privacy

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<sup>1</sup> Note: An exemption applies to forms and court documents managed by the ACT Courts and Tribunal.

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policy that will outline what information they collect about you and how they use it.

## 5. USE AND DISCLOSURE OF PERSONAL INFORMATION

- 5.1 We may need to use and share your personal information in order to do our job properly.
- 5.2 Some of the situations when we will do this are described below.
- 5.3 We will only disclose or share your sensitive information for the purposes for which you gave it to us, for directly related purposes where you would reasonably expect us to do so, or if you give us your permission.

### 5.4 REFERRING INFORMATION TO ANOTHER ACT GOVERNMENT DIRECTORATE OR AGENCY

5.4.1 JACS has no control over social networking services such as Facebook and Twitter.

5.4.2 We will share your personal information with other ACT Government agencies under a one Government model in situations where we believe you will think it is reasonable for us to share your information. This includes:

- **When we need to invoice you for goods and services that you have received, or recover any outstanding monies owed by you** to the Territory in relation to the provision of these goods and services, we may provide your personal information to Shared Services Finance.
- **When we cannot help you or answer your question**, we will pass your name, contact details and your request or question to the ACT agency that we think is best able to help you.
- **When you take part in a cross-agency program**, such as the Farm Fire Wise program, we may pass your name, contact details and details of your involvement in the program to the other ACT, Commonwealth or state government agencies involved.
- **When we need the help of other agencies to give you everything you need**, we will pass your name and contact details to the other agencies involved. (This is known as “integrated service delivery”).
- **When you take part in surveys or consultations**, we may share information such as your name, your occupation and your views on the issue(s) in question with other ACT agencies.
- **If you work for JACS**, including within the offices of a statutory office holder, as a permanent, contracted or temporary employee (including volunteers), personnel files are kept containing records about all aspects of your employment. Personal information may be shared on a “need to know” basis with Shared Services and travel providers.

- **If you make a complaint to JACS** about an aspect of our performance or service delivery, your name, contact details and information about your complaint may be shared with an external body such as the ACT Ombudsman. This is to allow independent investigation of your complaint.
- **If a Freedom of Information (FOI) request is made**, personal information contained in our files and information about the person making the request may be released to ACT agencies and to other third parties.

## 5.5 DISCLOSURE TO THE MEDIA

5.5.1 We will only provide the media with your personal information when you have given us permission to do so, where such information is already publicly available, or where a specific exception under the *Information Privacy Act 2014* applies (see the next section for more information about exceptions).

## 5.6 EXCEPTIONS

5.6.1 Normally we will only use your personal information for the reason we originally collected it, unless you give us permission to use it for another, secondary purpose. Likewise, we will generally not share your personal information with private sector organisations or anyone else without your permission.

5.6.2 However, there are exceptions to these rules where the law says that we may use or share your personal information without your permission. Some of the exceptions to the rules are described below.

5.6.3 We can use or share your personal information when:

- the secondary purpose for using or sharing your personal information is connected to the original purpose and we believe you would reasonably expect us to use the information for that secondary purpose
- we will only use or share sensitive personal information when the secondary purpose is closely connected to the original purpose and we believe you would reasonably expect us to use the information for that secondary purpose
- the use or sharing of your personal information is required or authorised by a law, or court or tribunal order
- the collection, use or sharing of your personal information is reasonably necessary for law enforcement activities, such as the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of the law, intelligence gathering, surveillance involving public safety, or conduct of protective or custodial services
- we reasonably believe that collection, use or sharing of your personal information is necessary to reduce or prevent a serious threat to the life, health or safety of any individual, or to public health or safety

- we have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our work and we reasonably believe the collection, use or sharing of your personal information is necessary for us to take appropriate action
- we reasonably believe that use or sharing of your personal information is necessary to help locate a person who has been reported as missing.

5.6.4 If we hold biometric information about you (such as fingerprints or photographs) or your biometric templates (digital representations of your distinct characteristics), we may provide this information to an enforcement body (such as the Australian Federal Police or other Commonwealth law enforcement bodies) provided that we comply with any guidelines provided by the Information Privacy Commissioner.

5.6.5 We may also share your personal information with Commonwealth intelligence agencies where it has been authorised by the head of the intelligence agency and that agency certifies that the collection of the personal information from JACS is necessary to do its job.

## 5.7 SHARING INFORMATION WITH SERVICE PROVIDERS

5.7.1 Sometimes JACS contracts private service providers to help deliver its functions.

5.7.2 In some circumstances, it may be necessary for us to share personal information with these service providers to allow them to do their work efficiently and effectively.

5.7.3 In such situations, we protect personal information by only entering into contracts with private companies that agree to comply with the Territory requirements for the protection of personal information.

## 5.8 SHARING INFORMATION WITH OVERSEAS RECIPIENTS

5.8.1 In some circumstances, we may need to share or store information with overseas recipients.

5.8.2 We currently have arrangements in place for the routine disclosure of information overseas with Google, who are contracted to monitor and report on web traffic on each of our websites. Google collects information about your use of the website (including your IP address) and stores the information across multiple countries. Reports provided by Google are aggregated and do not include personal data of individual users. For more information on the use of Google Analytics on our websites, please refer to our [website information privacy statement](#).

5.8.3 We will take reasonable steps before disclosing any personal information to an overseas recipient to ensure that they will treat the personal information with the standard of care defined in the *Information Privacy Act 2014*.

5.8.4 In some cases, the information will already be sufficiently protected under the law governing privacy in the country where the company is based and you can apply to the country concerned to enforce these protections if required.

5.8.5 If it is practical and reasonable to do so, we will obtain your permission to share information with overseas organisations. However, there may be situations where we are unable to do so (for example, when we share information as part of a law enforcement activity). In this situation, we will take reasonable steps to ensure the overseas recipient complies with the requirements of the *Information Privacy Act 2014*.

5.8.6 We will update this policy to describe any new arrangements we make that result in regular sharing of personal information with an overseas organisation.

## 6. QUALITY OF PERSONAL INFORMATION

6.1 We are required to take reasonable steps to make sure that the personal information we collect and store is accurate, up to date and complete. To help us do this, we record information in a consistent format and where necessary, we check that the information we collect is correct. To check that the information is correct, we will talk to you, use a publicly available source or, if allowed to by law, we will talk to another organisation such as another ACT government directorate.

## 7. STORAGE AND SECURITY OF PERSONAL INFORMATION

7.1 We are required by law to take reasonable steps to ensure that the personal information we hold is safe and secure.

7.2 The measures we have in place to protect your personal information include:

- making sure your information can only be seen or used by a member of staff if they need the information to do their job (this is called the “need-to-know” principle)
- internet firewalls
- secure logins with password protection
- control of entry to JACS buildings and rooms (only staff who need to enter the building or room to do their job are allowed in)
- logging of activity on the computer network and other ICT equipment
- secure storage of paper files.

7.3 The *Territory Records Act 2002* contains rules that we must follow for the storage, management and protection of the information, records and data that we hold.

- 7.4 We securely destroy records once they are no longer required for business purposes in accordance with the *Territory Records Act 2002* and the appropriate Record Disposal Schedule.

## 8. ACCESSING YOUR PERSONAL INFORMATION

- 8.1 You have the right to ask for access to any personal information we hold about you.
- 8.2 To apply for access to your personal information, fill out the Freedom of Information – Access Application Form on the [JACS Website](#).
- 8.3 Requests to access your personal information should be submitted to:  
Assistant Director, Freedom of Information  
Ph: (02) 6207 2167  
Email: [JACSFOI@act.gov.au](mailto:JACSFOI@act.gov.au)  
Post: GPO Box 158, Canberra ACT 2601
- 8.4 If you contact us to request access to your personal information, we must, if it is reasonable and practical to do so, provide you with access in the way you request. Under certain circumstances defined by law, we may refuse your request for access to your information. We may also refuse your request if it is not reasonable or practicable to give you access in the way you have asked for.
- 8.5 We must respond in writing to your request within 20 working days. If we refuse your request, we must tell you why we have refused to provide you with access to your information.
- 8.6 In some circumstances, such as access to court records, there is a set fee for accessing information. You will be told about this fee when you request access to the information.
- 8.7 In most circumstances, we will not charge you any fees for making the request or for providing you with access to your information.
- 8.8 You also have the right under the *Freedom of Information Act 2016* to request access to any of the documents that we might hold. Further information on our freedom of information arrangements, including how you can apply for access, can be found on the [JACS website](#).

## 9. CORRECTING YOUR PERSONAL INFORMATION

- 9.1 You have the right to request that we correct any of your personal information that we hold, if you believe it is incomplete, incorrect, out of date, or misleading.
- 9.2 Applications to correct your personal information can be found on the [JACS website](#).
- 9.3 Some records, such as court records, cannot be changed. If we refuse to change your personal information in any record we hold, we will write to you within 30 days explaining why we have refused to change your information.

- 9.4 If we cannot correct your personal information, you may request that we attach a statement to the record indicating that you believe the information held is incorrect, inaccurate, incomplete, irrelevant, out of date or misleading. You will be told if this is not possible.

## 10. HOW TO MAKE A COMPLAINT

- 10.1 Our [Complaint Management Policy](#) is available on the [JACS website](#).
- 10.2 Complaints about our handling of your personal information should be made in writing to the Executive Branch Manager, Governance and Business Improvement, whose contact details can be found in the section below.
- 10.3 We can help you lodge your complaint if required.
- 10.4 Please also contact us if you would like to request a hardcopy of this policy or our [Complaint Management Policy](#).
- 10.5 We will consider your complaint and work out how we can resolve your issue satisfactorily. We may contact you for further information. We will try to acknowledge receipt of your complaint within five working days and we will respond to the complaint within 21 days.
- 10.6 If you are not satisfied with our response, you may ask for a review by a more senior officer or you can make a formal privacy complaint to the Office of the Australian Information Commissioner (OAIC).
- 10.7 The OAIC is an independent body that can assess your complaint and decide whether our actions intruded on your privacy. If your complaint is upheld by the OAIC, you may be able to seek a remedy in the ACT Magistrates Court. Information on how to make a complaint to the OAIC is available at [www.oaic.gov.au](http://www.oaic.gov.au) or by contacting 1300 363 992.

### 10.8 HOW TO CONTACT US

Please address your enquiry or complaint to the **Executive Branch Manager, Governance and Business Improvement**.

Email address: [JACSEnquiries@act.gov.au](mailto:JACSEnquiries@act.gov.au) or [JACSComplaints@act.gov.au](mailto:JACSComplaints@act.gov.au)

Telephone number: (02) 6207 4813

Postal Address: GPO Box 158, Canberra ACT 2601

### **Assisted Contact**

National Relay Service:

- TTY users phone – 13 36 77, then ask for 13 22 81
- Speak and listen users – 1300 555 727, then ask for 13 22 81
- Internet relay users – connect to the National Relay Service and ask for 13 22 81

For further information, please refer to the [National Relay Service website](#).

### **Translating and Interpreting Service**

Telephone: 13 14 50 then ask for 13 22 81

For more information, please refer to the national [Translating and Interpreting Service website](#).

## 11. APPENDIX – PRIVACY LEGISLATION APPLICABLE TO JACS

11.1 The Justice and Community Safety Directorate complies with the following privacy legislation:

- *Information Privacy Act 2014* – regulates the handling of personal information by public sector agencies and contracted service providers.
- *Health Records (Privacy and Access) Act 1997* – provides for the privacy and integrity of, and access to, personal health information. All health records held by the Directorate are protected and managed in accordance with this Act.

Note: The *Information Privacy Act 2014* does not apply to personal health information, which broadly refers to any information held by a health practitioner or that relates to the health of a person.

- *Workplace Privacy Act 2011* – regulates the collection and use of workplace surveillance information.

11.2 JACS is also subject to the following legislation that may affect how it handles your personal information:

- *Privacy Act 1988 (Cth)*
- *Territory Records Act 2002*
- *Freedom of Information Act 2016*
- *Public Sector Management Act 1994*
- *Financial Management Act 1996*
- *Work Health and Safety Act 2011*
- *Corrections Management Act 2007*
- *Crimes (Sentencing Act) 2005*
- *Crimes (Sentence Administration) Act 2005*
- *Crimes Act 1900*
- *Human Rights Act 2004*
- *Government Procurement Act 2001*
- *Public Interest Disclosure Act 2012*
- *Victims of Crime Act 1994*



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- *Emergencies Act 2004*
- *National Vocational Education and Training Regulator Act 2011 (Cth).*

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## AMENDMENT HISTORY

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