



# CDPP

*Australia's Federal Prosecution Service*



## PRIVACY POLICY

JULY 2020



## A INTRODUCTION

### ABOUT THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS (CDPP)

The CDPP prosecutes crimes against Commonwealth law through an independent prosecution service responsive to the priorities of our law enforcement and regulatory partners, to effectively contribute to the safety of the Australian community and to uphold and maintain the rule of law. The *Director of Public Prosecutions Act 1983*, together with the *Prosecution Policy of the Commonwealth*, are the touchstones of our work.

For more information about the CDPP please go to our [website](#).

### WHO SHOULD READ THIS PRIVACY POLICY?

You should read this policy if you are:

- An individual whose personal information may be given to or held by the CDPP
- A contractor, consultant, supplier or vendor of goods or services to the CDPP
- A person seeking employment with the CDPP
- A person who is or was employed by the CDPP.

### THE PRIVACY ACT 1988

The CDPP is bound by the *Privacy Act 1988* which regulates how Commonwealth agencies can collect, hold, use and disclose **personal information**, and how you can access and correct that information.

‘Personal information’ is information in any form that can identify a living person.

The Privacy Act applies only to information about individuals, not to information about corporate entities such as businesses, firms or trusts. Detailed information on the Privacy Act can be found on the [Office of the Australian Information Commissioner \(OAIC\) website](#).

### THE CDPP AND PRIVACY

This Privacy Policy sets out how the CDPP complies with the Privacy Act.

In performing its functions and administering its legislation, the CDPP may collect, hold, use or disclose your personal information. The CDPP takes privacy seriously and will only collect, hold, use and disclose your personal information in accordance with the Privacy Act.

If the CDPP does not receive personal information about you the Privacy Act will not apply.

### REMAINING ANONYMOUS OR USING A PSEUDONYM

The CDPP understands that anonymity is an important element of privacy and some members of the public may wish to be anonymous when interacting with the CDPP.

The CDPP also understands some members of the public may wish to use a pseudonym.

Members of the public may have the right to remain anonymous or adopt a pseudonym when dealing with the CDPP. However, it is not always possible to remain anonymous or adopt a pseudonym and the CDPP will inform you when this is the case.



### INFORMATION COVERED UNDER THIS PRIVACY POLICY

This Policy applies to all personal information collected by the CDPP.

As an Australian Privacy Principles designated entity, the CDPP must comply with the [Australian Privacy Principles](#) (APPs). This policy covers how the CDPP collects, holds, uses and discloses your personal information.

The APPs set out standards, rights and obligations for how we handle and maintain your personal information. This includes how we collect, store, use, disclose, quality assure and secure personal information, as well as your rights to access or correct your personal information. The Office of the Australian Information Commissioner's [AAP Quick Reference Tool](#) summarises the APPs.

The APPs place more stringent obligations on APP entities when they handle 'sensitive information'. The CDPP is specifically defined in section 6 as an "enforcement body" which enables the CDPP to rely upon some of the exemptions for the use and disclosure of personal information to third parties.

A National Legal Direction on [Privacy](#) details how the APPs apply to the Prosecution process. Some of the APPs are relevant to the work of the CDPP. However, some only relate to private enterprise. The most relevant ones to the CDPP are APPs 5 and 6. APP 5 relates to the notification of the collection of personal information and APP 6 relates to the use and disclosure of personal information.

### INFORMATION HELD BY CONTRACTORS

Under the Privacy Act, the CDPP is required to take contractual measures to ensure contracted service providers (including sub-contractors) comply with the same privacy requirements applicable to the CDPP.

## B THE CDPP'S PERSONAL INFORMATION HANDLING PRACTICES

### COLLECTION OF PERSONAL INFORMATION

Personal information about you may be collected by the CDPP from you, your representative or a third party. We generally use forms, online portals and other electronic or paper correspondence to collect this information.

Information may be collected directly by the CDPP or by people or organisations acting on behalf of the CDPP (e.g. contracted service providers). The CDPP may also obtain personal information collected by other Commonwealth agencies, State or Territory government bodies, or other organisations.

From time to time personal information is provided to the CDPP by members of the public without being requested by the CDPP.

The CDPP collects and holds a broad range of personal information in records relating to:

- Employment and personnel matters for CDPP staff and contractors (including security assessments)
- Performance of its legislated function as an independent prosecution service for the Commonwealth
- Management of contracts and funding agreements
- Management of fraud and compliance investigations
- Management of audits (both internal and external)
- Correspondence from members of the public to the CDPP and the Attorney-General
- Complaints (including privacy complaints) made and feedback provided to the CDPP
- Requests made to the CDPP under the *Freedom of Information Act 1982*(Cth)
- The provision of legal advice by internal and external lawyers.



The CDPP will not ask you for any personal information which we do not need. The Privacy Act requires that we should collect information for a purpose that is reasonably necessary for, or directly related to, a function or activity of the CDPP.

When we collect personal information, we are required under the Privacy Act to notify you of a number of matters (unless an exemption applies). These include the purposes for which we collect the information, whether the collection is required or authorised by law and any person or body to whom we usually disclose the information.

### **KINDS OF PERSONAL INFORMATION COLLECTED AND HELD**

In performing its functions, the CDPP collects and holds the following kinds of personal information (which will vary depending on the context of the collection):

- Name, address and contact details (e.g. Phone, email and fax)
- Photographs, video recordings and audio recordings of you
- Information about your personal circumstances (e.g. Marital status, age, gender, occupation, accommodation and relevant information about your partner or children)
- Information about your financial affairs (e.g. Payment details, bank account details and information about business and financial interests)
- Information about your identity (e.g. Date of birth, country of birth, passport details, visa details, drivers licence, birth certificates, ATM cards)
- Information about your employment (e.g. Work history, referee comments, remuneration)
- Information about your background (e.g. Educational qualifications, the languages you speak and your English proficiency)
- Government identifiers (e.g. Centrelink Reference Number or Tax File Number).

On occasions, a range of sensitive information may also be collected or held about you, including information about:

- Your racial or ethnic origin
- Your health (including information about your medical history and any disability or injury you may have)
- Any criminal record you may have.

### **HOW THE CDPP COLLECTS AND HOLDS PERSONAL INFORMATION**

The CDPP collects personal information through a variety of different methods including:

- Paper-based forms
- Electronic forms (including online forms)
- Face to face meetings
- Telephone communications
- Email communications
- Communications by fax
- The CDPP website.

The CDPP holds personal information in a range of paper-based and electronic records.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Australian Government records management regime, including the *Archives Act 1983*, Records Authorities and General Disposal Authorities. This ensures your personal information is held securely.



## PURPOSES FOR WHICH PERSONAL INFORMATION IS COLLECTED, HELD, USED AND DISCLOSED

The CDPP collects personal information for a variety of different purposes relating to its functions and activities including:

- Performing its employment and personnel functions in relation to CDPP staff and contractors
- Performing its legislative and administrative functions as an independent prosecution service for the Commonwealth
- Policy development, research and evaluation
- Complaints handling
- Program management
- Contract management
- Management of correspondence with the public.

The CDPP uses and discloses personal information for the primary purposes for which it is collected. You will be given information about the primary purpose of collection at the time the information is collected. However, the CDPP is not required to send out a collection notice to every person for whom it receives a brief of evidence or a request for pre-brief advice as there is a very wide exemption for law enforcement agencies. The relevant APP states that notification must only be given if it is reasonable to do so. An APP entity is also exempted from having to notify an individual of the collection of personal information where doing so may result in the waiver of legal professional privilege. Both exceptions are highly relevant to the operations of the CDPP and provide strong exemptions from the general notification obligation imposed under APP 5.

The CDPP will only use your personal information for secondary purposes where it is able to do so in accordance with the Privacy Act. APP 6 outlines a number of exceptions from prohibitions on the use and disclosure of personal information for a “secondary purpose”, including where the CDPP believes “the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by or on behalf of an enforcement body” (APP 6.2(e)).

For further information see our National Legal Direction on the release of personal information under the Privacy Act.

## HOW TO SEEK ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

You have a right under the Privacy Act to access personal information we hold about you.

You also have a right under the Privacy Act to request corrections to any personal information that the CDPP holds about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

However, the Privacy Act sets out circumstances in which the CDPP can decline access to or correction of personal information (e.g. where access is unlawful under a secrecy provision in legislation).

To access or seek correction of personal information we hold about you, please contact the CDPP using the contact details set out in part D of this Policy.

It is also possible to access and correct documents held by the CDPP under the *Freedom of Information Act 1982* (the FOI Act). For information on this, please contact our FOI Coordinator at the following address:

FOI Coordinator  
Commonwealth Director of Public Prosecutions  
GPO Box 3104  
CANBERRA ACT 2601  
Email: [FOI@cdpp.gov.au](mailto:FOI@cdpp.gov.au).



## ACCIDENTAL OR UNAUTHORISED DISCLOSURE OF PERSONAL INFORMATION

The CDPP will take seriously and deal promptly with any accidental or unauthorised disclosure of personal information.

The CDPP follows the OAIC's [\*Data breach notification — A guide to handling personal information security breaches\*](#) when handling accidental or unauthorised disclosures of personal information.

Legislative or administrative sanctions may apply to unauthorised disclosures of personal information.

## DATA SECURITY

Access to personal information held within the CDPP is restricted to authorised persons who are CDPP employees or contractors.

Electronic and paper records containing personal information are protected in accordance with Australian Government security policies.

The CDPP regularly conducts audits to ensure we adhere to our protective and computer security policies.

## PROTECTING YOUR PRIVACY ONLINE

The CDPP is committed to protecting privacy online in accordance with the Office of the Australian Information Commissioner's [Guide to securing personal information](#).

While every effort is made to secure information transmitted to this site over the internet, there is a possibility this information could be accessed by a third party while in transit.

## OUR WEBSITE

The CDPP website is managed internally.

Generally the CDPP only collects personal information from its website where a person chooses to provide that information.

If you visit our website to read or download information, the CDPP records a range of technical information which does not reveal your identity. This information includes your IP or server address, your general locality and the date and time of your visit to the website. This information is used for statistical and development purposes.

No attempt is made to identify you through your browsing other than in exceptional circumstances, such as an investigation into the improper use of the website.

Some functionality of the CDPP website is not run by the CDPP and third parties may capture and store your personal information outside Australia. These third parties include (but are not limited to) Facebook, YouTube, SurveyMonkey, Twitter and Google and may not be subject to the Privacy Act. The CDPP is not responsible for the privacy practices of these third parties and encourages you to examine each website's privacy policies and make your own decisions regarding their reliability.

## LINKS TO OTHER SITES

The CDPP website contains links to other websites. The CDPP is not responsible for the content and privacy practices of other websites and encourages you to examine each website's privacy policies and make your own decisions regarding the reliability of material and information found.



## COOKIES

Cookies are used to maintain contact with a user through a website session. A cookie is a small file supplied by the CDPP, and stored by your web browser software on your computer when you access the CDPP website. Cookies allow the CDPP to recognise an individual web user, as they browse the CDPP website.

## GOOGLE ANALYTICS

In addition to web server logs, this website uses Google Analytics, a web analytics service provided by Google Inc. We use reports obtained from Google Analytics to help improve the efficiency and usability of this website.

Google Analytics uses cookies to help analyse how users use this site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating the use of our website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. Google may transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google.

By using our website, you consent to Google processing data about you in the manner and for the purposes set out above. Refer to [Google's Privacy Policy for more information](#).

## ELECTRONIC COMMUNICATION

There are inherent risks associated with the transmission of information over the Internet, including via email. You should be aware of this when sending personal information to us via email or via the CDPP website. If this is of concern to you then you may use other methods of communication with the CDPP, such as post, fax, or phone (although these also have risks associated with them).

The CDPP only records email addresses when a person sends a message or subscribes to a mailing list. Any personal information provided, including email addresses, will only be used or disclosed for the purpose for which it was provided.

## DISCLOSURE OF PERSONAL INFORMATION OVERSEAS

CDPP will, on occasion, disclose personal information to overseas recipients. The situations in which CDPP may transfer personal information overseas include:

- The provision of personal information to overseas researchers or consultants (where consent has been given for this or the CDPP is otherwise legally able to provide this information)
- The provision of personal information to recipients using a web-based email account where data is stored on an overseas server
- The provision of personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law).

It is not practicable to list every country to which CDPP may provide personal information as this will vary depending on the circumstances.

However, you may contact CDPP (using the contact details set out in part D of this Policy) to find out which countries, if any, your information has been given to.

# C COMPLAINTS

## HOW TO MAKE A COMPLAINT

If you think the CDPP may have breached your privacy rights you may contact us using the details set out in part D of this policy.



## **CDPP'S PROCESS FOR HANDLING COMPLAINTS**

We will respond to your complaint or request promptly if you provide your contact details. We are committed to quick and fair resolution of any complaints and will ensure your complaint is taken seriously. You will not be victimised or suffer negative treatment if you make a complaint.

## **HOW TO COMPLAIN TO THE OAIC**

You also have the option of contacting the OAIC if you wish to make a privacy complaint against the CDPP.

The [OAIC website](#) contains information on how to make a privacy complaint.

If you make a complaint directly to the OAIC rather than to the CDPP, the OAIC may recommend you try to resolve the complaint directly with the CDPP in the first instance.

# **D HOW TO CONTACT US**

## **GENERAL PRIVACY ENQUIRIES AND REQUESTS TO ACCESS OR CORRECT PERSONAL INFORMATION**

If you wish to:

- Query how your personal information is collected, held, used or disclosed
- Ask questions about this privacy policy
- Obtain access to or seek correction of your personal information.

Please contact the CDPP Privacy Officer using the following contact details:

**email:** Privacy@cdpp.gov.au

**post:** Privacy Officer

Commonwealth Director of Public Prosecutions

GPO Box 3104

CANBERRA ACT 2601.

## **CONTACT DETAILS FOR PRIVACY COMPLAINTS**

If you wish to make a complaint about a breach of your privacy, you may contact the CDPP via the [Feedback and Complaints e-form](#) on the CDPP website or via the CDPP email [FeedbackandComplaints@cdpp.gov.au](mailto:FeedbackandComplaints@cdpp.gov.au).

So that we can respond quickly and effectively to your complaint please ensure that "Privacy" is stated in the subject line when sending via email or in the details box via the e-form.

# **E PRIVACY POLICY UPDATES**

The CDPP Governance Team will review this Policy annually and update it as appropriate.

## **AVAILABILITY OF THIS POLICY**

If you wish to access this Policy in an alternative format (e.g. hard copy) please contact the CDPP using the details in part D above. This Policy will be free of charge.





**APPROVAL FOR RELEASE/DOCUMENT OWNER**

<b>Name</b>	Sarah McNaughton SC
<b>Position</b>	Director
<b>Date</b>	16 July 2020

**VERSION CONTROL**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>	<b>Next Review</b>
0.1	18 November 2015	Margaret Coaldrake	Initial Discussion Draft	GWG, Audit Committee – November 2015; ELG – December 2015
0.2	25 November 2015	Peter Dinan-Knight	Complete Discussion Draft	GWG, ELG – December 2015
0.3	21 December 2015	Peter Dinan-Knight	Approved by Director	Governance Team – December 2016
0.4	25 October 2017	Peter Dinan-Knight	Reviewed	Governance Team – October 2018
0.5	16 July 2020	Angela Alexandrou	Approved by Director	Governance Team – July 2020

