



# CDPP

*Australia's Federal Prosecution Service*



**PRIVACY POLICY**

**OCTOBER 2017**



## A INTRODUCTION

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

The CDPP provides an independent prosecution service that contributes to a fair, safe and just society where the laws of the Commonwealth are respected and maintained and there is public confidence in the justice system. The *Director of Public Prosecutions Act 1983* (the DPP Act), together with the *Prosecution Policy of the Commonwealth*, are the touchstones of our work. All prosecutions are governed by this policy which is required to be applied by all prosecutors.

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 federal and ACT public sector agencies and certain private sector organisations 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 Privacy Act allows individuals to:

- Know why their personal information is being collected, how it will be used and who it will be disclosed to
- Have the option of not identifying themselves, or of using a pseudonym in certain circumstances
- Ask for access to their personal information
- Stop receiving unwanted direct marketing
- Ask for their personal information that is incorrect to be corrected
- Make a complaint about the CDPP if they consider that we have mishandled their personal information.

### 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.



A National Legal Direction on [Privacy](#) details how the APPs apply to the Prosecution process.

### 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, including any financial information you provide to the CDPP (such as your credit card details).

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 their 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 more confidently rely upon some of the exemptions for the use and disclosure of personal information to third parties.

### 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. 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.

### **SOME PERSONAL INFORMATION MAY BE PROTECTED BY OTHER LEGISLATION**

There are other statutory provisions that prohibit disclosure of information and operate alongside the rules in the Privacy Act. Examples are section 16 of the *Income Tax Assessment Act 1936*, Section 70 of the *Crimes Act 1914* and Division 2.1 of the *Public Service Regulations*. Each prohibition differs in the type of information it applies to and in the exemptions that apply and are carefully managed by the CDPP to avoid any conflicts between its varying statutory obligations.

### **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
- CDPP social media websites and accounts.

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.

The CDPP will only use your personal information for secondary purposes where it is able to do so in accordance with 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 portfolio 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: [Inquiries@cdpp.gov.au](mailto:Inquiries@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.

### 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.

## **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 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 using the following contact details:

**email:** [Inquiries@cdpp.gov.au](mailto:Inquiries@cdpp.gov.au)  
**post:** 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, please contact the CDPP using the following contact details:

**telephone:** (02) 62065666  
**fax:** (02) 62575709  
**email:** [Inquiries@cdpp.gov.au](mailto:Inquiries@cdpp.gov.au)  
**post:** Commonwealth Director of Public Prosecutions  
GPO Box 3104  
CANBERRA ACT 2601.

## 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>	Robert Bromwich SC
<b>Position</b>	Director
<b>Date</b>	21 December 2015

**VERSION CONTROL**

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0.2	25 November 2015	Peter Dinan-Knight	Complete Discussion Draft	GWG, ELG – December 2015
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