



CDPP

Australia's Federal Prosecution Service



Privacy Policy

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¹ References to the law, policies and guidelines are current as at the date of publication. Users should confirm the currency of all source material at the time of using this document.

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A. INTRODUCTION

Scope of policy

1. This policy explains how the Office of the Director of Public Prosecutions (Cth) (CDPP) handles personal information in accordance with the [Privacy Act 1988](#) (Cth) (**Privacy Act**).
2. This policy applies to all persons, including:
 - 2.1. individuals involved in prosecutions (for example, accused persons, victims, witnesses);
 - 2.2. current and former CDPP employees and job applicants; and
 - 2.3. contractors and service providers.

About the CDPP

3. The CDPP is an independent prosecution service established by Parliament to prosecute alleged offences against Commonwealth law. We aim to provide an effective, ethical, high quality and independent criminal prosecution service.
4. The CDPP performs functions under the [Director of Public Prosecutions Act 1983](#) (Cth) and in accordance with the [Prosecution Policy of the Commonwealth](#).

About the Privacy Act

5. The *Privacy Act* regulates how we collect, use, store and disclose personal information in the performance of our functions. We also require our contractors to meet the same privacy standards.
6. You can find detailed information about the *Privacy Act* on the Office of the Australian Information Commissioner (OAIC) [website](#).

B. THE CDPP'S HANDLING PRACTICES

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable.

7. The CDPP only collects personal information that is reasonably necessary for, or directly related to, our functions and activities. When we collect your personal information, we will usually tell you why and how it will be used.

Kinds of personal information the CDPP collects and holds

8. The CDPP may collect the following types of personal information:
 - 8.1. your contact details (eg name, address, email, phone);
 - 8.2. photographs, video recordings and audio recordings of you;
 - 8.3. information about your personal circumstances (eg marital status, age, gender, occupation, accommodation, relevant information about your partner or children);
 - 8.4. your identity information (eg date of birth, country of birth, passport details, visa details, drivers licence details, birth certificate, Medicare card);
 - 8.5. your personal details (eg family, occupation, English language proficiency);
 - 8.6. your financial information (eg payment details, bank account details, superannuation membership details, information about business and financial interests);
 - 8.7. information about your employment and education history;
 - 8.8. legal and case-related information (eg briefs of evidence, court documents);
 - 8.9. information about you from complaints or Freedom of Information (FOI) requests; and
 - 8.10. your government identifiers (eg Centrelink Reference Number, Tax File Number, where permitted).

9. The CDPP may also collect sensitive information, such as information about your health or disability, criminal history, race or ethnicity and political opinions.

How the CDPP collects personal information

10. The CDPP collects information through:
 - 10.1. forms (paper or online);
 - 10.2. electronic or paper documents and correspondence;
 - 10.3. meetings and calls;
 - 10.4. our website; and
 - 10.5. online portals.
11. The CDPP may collect information directly from you, your representative, other agencies or organisations and through contractors acting for us.
12. If the CDPP receives information we did not request, we will consider whether we can collect the information under the *Privacy Act*.

How the CDPP holds personal information

13. The CDPP stores information securely in electronic and paper systems, including by:
 - 13.1. restricting access to authorised staff and contractors;
 - 13.2. auditing access to our systems;
 - 13.3. following government security and records rules;
 - 13.4. responding promptly to any data breaches in accordance with the OAIC's [Data breach notification - A guide to handling personal information security breaches](#); and
 - 13.5. retaining and disposing of records in line with legal requirements under the [Archives Act 1983](#) (Cth).

Purposes for which the CDPP collects and holds personal information

14. The CDPP collects personal information for purposes including:
 - 14.1. performing our functions as the Commonwealth's independent prosecution service;
 - 14.2. carrying out employment and personnel functions for CDPP staff and contractors;
 - 14.3. developing policy, conducting research, and evaluate our work;
 - 14.4. handling complaints, including privacy complaints;
 - 14.5. processing access requests, including under the [Freedom of Information Act 1982](#) (Cth) (*FOI Act*);
 - 14.6. managing programs, contracts and funding agreements; and
 - 14.7. responding to public correspondence and feedback.

15. The CDPP will notify you when we collect your personal information where it is reasonable to do so. The *Privacy Act* does not require us to give notice if this could jeopardise law enforcement activities or may waive legal professional privilege.

Use and disclosure of personal information

16. Generally, the CDPP uses and discloses personal information for the purpose for which it was collected. We will only use or disclose personal information for another purpose if permitted under the *Privacy Act*, for example:
- 16.1. the law authorises or requires the use or disclosure; and
 - 16.2. the use or disclosure is reasonably necessary for the CDPP's enforcement-related activities.
17. The CDPP may disclose personal information to:
- 17.1. law enforcement agencies and regulatory partners, including state and territory offices of public prosecution, Commonwealth investigative agencies, the Australian Federal Police and state and territory police;
 - 17.2. courts and participants in legal proceedings;
 - 17.3. victims, witnesses, or others involved in matters;
 - 17.4. contractors and service providers, including counsel, experts and organisations that assist with the CDPP's corporate functions;
 - 17.5. the Australian Government Security Vetting Agency; and
 - 17.6. regulatory, disciplinary, audit, investigation or oversight bodies;
18. The CDPP may also provide de-identified information to research bodies.

Disclosure of personal information overseas

19. The CDPP may disclose information overseas, where permitted by law, including:
- 19.1. international prosecution agencies;
 - 19.2. to foreign governments or law enforcement; and
 - 19.3. to overseas contractors or researchers.
20. It is not practicable to list every country to which the CDPP may provide personal information because this will vary depending on the circumstances.

C. YOUR RIGHTS AND CHOICES

Remaining anonymous or using a pseudonym

21. You may remain anonymous or use a pseudonym when dealing with the CDPP where practicable. However, the CDPP may not be able to progress a complaint or provide information if the complainant remains anonymous. In some cases (for example, in legal matters), it may not be possible to remain anonymous.

Seeking access to and correction of your personal information

22. Where the CDPP holds your personal information, you can [contact the CDPP](#) to request:
- 22.1. access to your personal information; and
 - 22.2. correction of your personal information if you think it is inaccurate, out-of-date, incomplete, irrelevant or misleading.
23. Please see our [website](#) for further information on how to access documents held by the CDPP under the *FOI Act*.
24. We may refuse access and correction requests where permitted under the *Privacy Act* and the *FOI Act*.

Making a complaint

25. You can contact the CDPP and make a complaint if you believe we have breached your privacy.
26. You may also complain to the OAIC. The [OAIC website](#) contains information on how to make a privacy complaint.

D. HOW TO CONTACT THE CDPP

General privacy enquiries, access and correction requests

27. You may submit a general privacy enquiry, access request or correction request by:
- 27.1. emailing Privacy@cdpp.gov.au; or
 - 27.2. mailing your request to:

Privacy Officer
Office of the Director of Public Prosecutions (Cth)
GPO Box 3104
CANBERRA ACT 2601

Privacy complaints

28. You may submit a privacy complaint by:
- 28.1. using the CDPP's [Feedback and Complaints e-form](#); or
 - 28.2. emailing FeedbackandComplaints@cdpp.gov.au.

E. PRIVACY POLICY UPDATES AND AVAILABILITY

29. The CDPP reviews this policy annually and makes updates as required.
30. This policy is available free of charge and in alternative formats on request.

F. DOCUMENT RELEASE INFORMATION**Document owner**

Position	Chief Governance Risk Officer
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Approval for release

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