



# PRIVACY POLICY

## ANNEXURE – JUSTICE AND COMMUNITY SAFETY PORTFOLIO FUNCTIONS

### JUSTICE AND COMMUNITY SAFETY DIRECTORATE

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## 1. PURPOSE

- 1.1 This document identifies the various business units within the Justice and Community Safety (JACS) Directorate, summarises their functions and activities, and describes the types of personal information they are likely to collect and hold.
- 1.2 Unless specified otherwise, the personal information described below is collected, used, disclosed, and stored in accordance with the procedures outlined in the [JACS Privacy Policy](#).

## 2. ACT COURTS AND TRIBUNAL

- 2.1 The ACT Courts and Tribunal deliver justice to the community through sentencing in criminal cases and rulings in civil cases. The judiciary includes all judges and magistrates and is the third, independent arm of government. The Directorate supports the judiciary by providing administrative services and resources.
- 2.2 More information on the ACT Courts and Tribunal can be found at the [ACT Courts and Tribunal](#) website.

### 2.3 ACT SUPREME COURT

- 2.3.1 The ACT Supreme Court holds personal information where it enables the Court to make judgements as required under the *Supreme Court Act 1933*, the *Court Procedures Rules 2006* and other relevant legislation.
- 2.3.2 Personal information may include names, address, and date of birth, gender, occupation, financial information, education, relationship details and other personal history details relevant to the matter being heard.
- 2.3.3 Sensitive personal information may include criminal record, biometric information, racial or ethnic origin, and religious beliefs.

### 2.4 ACT MAGISTRATES COURT

- 2.4.1 The ACT Magistrates Court holds personal information where it enables the Court to make judgements as required by the *Magistrates Court Act 1930*, the *Court Procedures Rules 2006* and other relevant legislation.
- 2.4.2 Personal information may include names, contact details, date of birth, gender, occupation, education, financial information, relationship details and other personal history details relevant to the matter being heard.
- 2.4.3 Sensitive personal information may include criminal records, biometric information, racial or ethnic origin, and religious beliefs.

## 2.5 ACT CHILDRENS COURT

- 2.5.1 The ACT Children's Court holds personal information where it is relevant to proceedings under the *Children and Young People Act 1999* and the *Children and Young People Act 2008*. The information held may relate to children and the families of children (close and extended) involved in matters before the Court.
- 2.5.2 Personal information may include names, contact details, date of birth, gender, occupation, education, financial information, and relationship details and personal history details, including those contained in written reports from various ACT Government agencies.
- 2.5.3 Sensitive personal information may include criminal records, racial or ethnic origin, and religious beliefs.

## 2.6 ACT CORONER'S COURT

- 2.6.1 The Coroner's Court holds personal information in relation to the manner and cause of death reported to the coroner under s13 of the *Coroners Act 1997* and the cause and origin of a fire reported to the coroner under s18 of the *Coroners Act 1997*.
- 2.6.2 Personal information may include name, contact details, date of birth, gender of the deceased, name and address of next-of-kin and witnesses who have provided information to the coroner.
- 2.6.3 Sensitive personal information may include details of racial or ethnic origin.

## 2.7 ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

- 2.7.1 The ACT Civil and Administrative Tribunal may collect personal information where it is relevant to matters heard under applicable legislation.
- 2.7.2 Personal information may include names, contact details, date of birth, gender, occupation, education, financial information, relationship details and other personal history details relevant to the matter being heard.
- 2.7.3 Sensitive personal information may include criminal records, biometric information, racial or ethnic origin, and religious beliefs.

## 3. ACT PARLIAMENTARY COUNSEL'S OFFICE

- 3.1 The Parliamentary Counsel's Office (PCO) provides legislative drafting and publishing services for the ACT Government, individual members of the ACT Legislative Assembly and ACT courts. The Office also maintains the [ACT Legislation Register](#).

- 3.2 In providing legislative drafting services, the Office:
- analyses legislative proposals and provides advice on their policy, legal and constitutional implications and on alternative ways of achieving policy objectives
  - ensures that the *Legislation Act 2001* remains a high-quality, easily understood source of law
  - manages the technical amendments program for ACT legislation to ensure that it forms a cohesive statute book of the highest standard.
- 3.3 More information on the PCO can be found on the [PCO website](#).
- 3.4 PCO may collect or hold personal information in relation to email enquiries about the Legislation Register website or for the purposes of the website subscription service. This may include name and contact details (including email address). Personal information for website subscription purposes is held in Mailchimp (for more information see the [Mailchimp Privacy Policy](#).) Website users can unsubscribe at any time.

## 4. ACT GOVERNMENT SOLICITOR

- 4.1 The ACT Government Solicitor (ACTGS) is established as a body corporate to act as legal practitioner for the Territory, its Ministers and agencies (including most statutory authorities) with governing provisions detailed in the *Law Officers Act 2011*. The *Law Officers (General) Legal Services Directions 2012* (Legal Services Directions) establish the ACT Government Solicitor (ACTGS) as the primary provider of legal services to the Territory.
- 4.2 More information on the ACTGS can be found at the [ACTGS website](#).
- 4.3 Services provided by the ACTGS includes legal advice and representation of directorates and employees in litigation involving the Territory. The types of information collected for the purposes of this activity includes name, contact details, date of birth, gender, occupation, financial information, relationships and associations, and where relevant personal history details, criminal history, employment and records.

## 5. ACT CORRECTIVE SERVICES

- 5.1 ACT Corrective Services (ACTCS) delivers adult correctional services that encourage and promote the rehabilitation, reintegration and through care of offenders. They also provide safe, humane, and secure management of offenders and detainees. The ACTCS also has administrative responsibility for the Sentence Administration Board (SAB). The SAB is established under s171 of the *Crimes (Sentence Administration) Act 2005* which provides the framework for board operations and the legislative power for the board to make decisions.
- 5.2 More information on ACTCS can be found at the [ACTCS website](#).
- 5.3 Personal information is held by ACTCS in undertaking the following functions:

## 5.4 SENTENCE ADMINISTRATION BOARD

- 5.4.1 ACTCS holds personal information to enable the SAB to make decisions about parole and the management of intensive correction orders as required under the *Crimes (Sentence Administration) Act 2005*. This includes records relating to the calculation and verification of each offender's sentence and the maintenance of the ACT Victims Register.
- 5.4.2 Personal content may include names, contact details, date of birth, occupation, gender, and relationship status and associations, financial information, and other personal history details.
- 5.4.3 Sensitive personal content may include criminal and correctional records, details of racial or ethnic origin, and religious beliefs.

## 5.5 COMMUNITY BASED CORRECTIONS

- 5.5.1 The community corrections function of ACTCS holds personal information where it is relevant to the management of offenders serving community based orders, including orders of restricted movement, fines, community service, parole, bail, and good behaviour.
- 5.5.2 Personal information may include names, contact details, date of birth, gender, occupation, relationship status and associations, education, financial information, and other details of personal history relevant to the administration of community based orders. Personal information may also be held in CCTV footage captured at the community corrections offices at 2 Constitution Avenue, Canberra City.
- 5.5.3 Sensitive information may include criminal and correctional records, racial or ethnic origin, biometric information, and religious beliefs.

## 5.6 CUSTODIAL OPERATIONS

- 5.6.1 ACTCS holds personal information where it is relevant to the safe and secure operations of custodial facilities administered under s17 of the *Corrections Management Act 2007*.
- 5.6.2 Personal information may include names, contact details, date of birth, gender, occupation, relationship status and associations, education, financial information, and other details of personal history relevant to custodial operations. CCTV footage is also collected in custodial environments for monitoring and safety.
- 5.6.3 Sensitive information may include criminal and correctional records, racial or ethnic origin, biometric information, religious beliefs, and sexual orientation.

## 6. ACT EMERGENCY SERVICES AGENCY

- 6.1 The ACT Emergency Service Agency (ESA) is charged with providing emergency management services to the Canberra community.
- 6.2 The ESA comprises the ACT Ambulance Service, ACT Fire & Rescue, the ACT Rural Fire Service, and the ACT State Emergency Service.
- 6.3 More information on the ESA can be found at the [ESA website](#).

### 6.4 ACT AMBULANCE SERVICE

- 6.4.1 The ACT Ambulance Service (ACTAS) is responsible for providing emergency and non-emergency ambulance and aero medical ambulance services to the ACT and surrounding south east NSW region.
- 6.4.2 Records created as a result of providing ambulance services are subject to the *Health Records (Privacy and Access) Act 1997* and are held and managed in accordance with that Act. Personal information contained on these records may include names, contact details, date of birth, gender, relationship details and comprehensive health and medical information.

### 6.5 ACT FIRE & RESCUE

- 6.5.1 ACT Fire & Rescue (ACTF&R) is responsible for fire response in built up areas, rescue (road accident, vertical, confined space, trench, urban search and rescue), emergency medical response in support of ACTAS and responding to chemical, biological, radiological, and hazardous material incidents. ACTF&R also has responsibilities for fire safety of the built environment and investigation of fire causes.
- 6.5.2 In undertaking these responsibilities, ACTF&R may collect personal information including names, contact details, date of birth, gender, relationship details, occupation professional details and information on a person's housing status.

### 6.6 ACT RURAL FIRE SERVICE

- 6.6.1 The main function of the ACT Rural Fire Service (ACTRFS) is to protect and preserve life, property, and the environment from fire in rural areas in the ACT, as well as supporting neighbouring regions where requested.
- 6.6.2 Personal information held by the ACTRFS may include names, contact details, date of birth, gender, relationship status and associations, financial information, business details and other personal information relating to a person's ability to undertake a designated volunteer role.
- 6.6.3 Personal information held relates to volunteers and members of the public.
- 6.6.4 The Farm Fire Wise program is administered by the ACTRFS in conjunction with the Environment, Planning and Sustainable Development Directorate (EPSDD).

Personal information collected for the purposes of this program will be shared with EPSDD where appropriate.

## 6.7 ACT STATE EMERGENCY SERVICES

6.7.1 The ACT State Emergency Service (ACTSES) undertakes planning and response operations for storms and floods.

6.7.2 Personal information held by the ACTSES may include names, contact details, date of birth, gender, relationship status and associations, financial information, business details and other personal information relating to a person's ability to undertake a designated volunteer role. Personal information held relates to volunteers and members of the public.

## 7. LEGISLATION, POLICY AND PROGRAMS

7.1 Legislation, Policy and Programs (LPP) is responsible for developing policy and legislation across the portfolio's area of responsibility and provides advice on human rights, civil law, and criminal law. LPP's objectives include the:

- management of legislative projects for the Directorate
- development of policies and programs in response to crime and safety concerns
- establishment and maintenance of a human rights culture
- delivery of restorative justice processes to offenders, victims of crime and their supporters.

7.2 More information about the functions of LPP can be found on the [Directorate's website](#).

7.3 LPP may receive or collect personal information where it is relevant to the development, implementation or evaluation of legislation, policies, or programs. This may occur as part of public consultations and in the management of boards and committees.

7.4 Personal information may include names, contact details, date of birth, gender, and occupation.

7.5 LPP will not request sensitive personal information, however this may be provided to the Branch within the context of a community consultation or in correspondence received. Sensitive personal information received may include political opinions, religious beliefs, criminal records, sexual orientation, racial or ethnic origin, and membership of organisations.

## 7.6 RESTORATIVE JUSTICE

7.6.1 The Restorative Justice Unit within the LPP Branch provides community based responses to crime under the *Crimes (Restorative Justice) Act 2004*.

7.6.2 Personal information held on case management files may include names, contact details, date and place of birth, gender, occupation, relationships and



associations, financial information, education, and other personal history details relevant to the matter being heard.

7.6.3 Sensitive personal information may include criminal records and racial or ethnic origin.

## 8. SECURITY AND EMERGENCY MANAGEMENT DIVISION

8.1 The Security and Emergency Management Division (SEMD) provides whole of Government coordination on issues relating to security and emergency management across the ACT. SEMD works closely with all Government directorates, ACT Policing/Australian Federal Police (AFP) and relevant interstate and federal agencies.

8.2 SEMD is responsible for:

- whole of Government coordination of the ACT's counter-terrorism and countering violent extremism arrangements
- creating a security culture across ACT Government through protective security policy and education
- whole of Government coordination of critical infrastructure protection
- Closed Circuit Television (CCTV) strategic policy and the ACT Public Safety CCTV Network
- co-ordinating strategic policy on emergency management and recovery.

8.3 More information on SEMD can be found at the [Directorate website](#).

### 8.4 SECURITY CLEARANCES

8.4.1 SEMD holds the personal information of ACT Government personnel who are seeking, or have been granted, a Commonwealth security clearance. These personnel are classified as in a Designated Security Assessment Position<sup>1</sup>, a Position of Trust<sup>2</sup> or have been approved to transfer an existing security clearance on gaining employment with the ACT Public Service.

8.4.2 The purpose of the collection, use and disclosure of these records is to facilitate the security clearances of personnel across the ACT Public Service. SEMD is the responsible authority to coordinate Commonwealth security clearances for the ACT Public Service with the Australian Government Security Vetting Agency (AGSVA).

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<sup>1</sup> A position in an ACT Government directorate where the Director-General determines the duties are likely to involve access to national security information classified as SECRET or TOP SECRET (as defined as designated position in the *Crimes Act 1914 (Cth)* spent convictions scheme exclusions). This may include all clearance holders at the Negative Vetting Level 1 or above. (ACT Government *Protective Security Vetting Policy 2016*).

<sup>2</sup> A position whose duties require a higher level of assurance than normal agency employment screening provides and to which additional screening is specified. (ACT Government *Protective Security Vetting Policy 2016*).

- 8.4.3 Personal information held may include names, gender, contact details, date and place of birth, occupation history, education, personal history details, relationships and associations, passport details, social media, information on family members, and financial information. Files may also contain the results of criminal history checks.
- 8.4.4 ACT Public Service personnel security clearance files are routinely provided to, and held by, the AGSVA as a requirement to obtain or maintain a Commonwealth security clearance.
- 8.4.5 Access to these files is restricted to staff within SEMD on a 'need to know' basis only, given the confidential and personal nature of the information.
- 8.4.6 SEMD may provide access to security clearance information about a person to a directorate where the person's role is within that directorate and there is the appropriate authorisation and 'need to know'.

## 8.5 CCTV

- 8.5.1 SEMD manages the ACT Government Public Safety CCTV Network (the CCTV Network) and uses CCTV systems to monitor and record activity in various public venues and open spaces across the ACT.
- 8.5.2 The purpose of the CCTV Network is to support public safety monitoring, resource management, emergency response and for criminal investigation and prosecution purposes.
- 8.5.3 CCTV cameras connected to the CCTV Network are located at:
  - Libraries ACT branches
  - Canberra City shopping precinct
  - Glebe Park
  - Braddon
  - Haig Park
  - Henry Rolland Park
  - GIO Stadium
  - Manuka Oval
  - Exhibition Park in Canberra (EPIC)
  - Manuka shopping precinct
  - Kingston shopping precinct
  - Jolimont Bus Station
  - Woden bus interchange
  - Tuggeranong bus interchange
  - Gungahlin bus interchange

- Dickson bus interchange
- Belconnen bus interchange
- Pedestrian arcade, Anketell Street, Tuggeranong

8.5.4 The CCTV Network also includes temporary solar powered CCTV camera installations. These cameras are located at:

- Mount Taylor carparks
- Jerrabomberra Wetlands
- the National Rock Garden
- National Arboretum Canberra
- Belconnen Owl artwork
- Throsby
- rural roads leading to the Southern and Western entrances to Canberra.

8.5.5 The information recorded may contain identifiable images of people. Information contained in corresponding files may include:

- name and contact information
- details of events captured on CCTV recordings
- details of witnesses to matters on CCTV recordings.

8.5.6 In accordance with the ACT Government *Closed-Circuit Television Policy*, signage is clearly displayed in areas where CCTV Network cameras are located.

8.5.7 CCTV recordings, including continuous live footage, is provided to ACT Policing as the end user of the CCTV Network. ACT Policing actively monitor the CCTV Network on Thursday, Friday and Saturday nights and use it at other times to support incident response and investigations.

8.5.8 SEMD provides CCTV recordings and information to ACT Policing to support incident response and investigations. SEMD may provide recordings and files to ACT Public Service personnel to action requests or investigate complaints on request and with the appropriate authorisation and 'need to know'.

8.5.9 Access to CCTV recordings and corresponding files is restricted in SEMD to those with a 'need to know', including CCTV officers, managers and supervisors.

8.5.10 Where the information is used to produce statistics, it is anonymised and not disclosed in a manner that would identify any person.

8.5.11 CCTV recorders are located in an 'Activity Based Working' environment.

## 9. CORPORATE SERVICES

9.1 Corporate Services consists of the following branches:

- Capital Works and Infrastructure
- Chief Information Officer
- Communications and Engagement
- Governance and Business Improvement
- People and Workplace Strategy
- Strategic Finance
- Office of the Chief Operating Officer

9.2 Corporate Services provide enabling and administrative support to all JACS business units.

## 10. STATUTORY OFFICE HOLDERS

### 10.1 ACT DIRECTOR OF PUBLIC PROSECUTIONS

10.1.1 The Office of the ACT Director of Public Prosecutions (DPP) was established under the *Director of Public Prosecutions Act 1990* to institute, conduct and supervise prosecutions and related proceedings in the ACT. The DPP acts independently of the Government in decision-making on criminal prosecutions.

10.1.2 The DPP has its own Privacy Policy, which can be found at the [DPP website](#).

### 10.2 HUMAN RIGHTS COMMISSION

10.2.1 The Human Rights Commission (HRC) is an independent agency established under the *Human Rights Commission Act 2005*. The role of the HRC is to resolve complaints and promote rights by:

- Independently handle complaints about discrimination, health services, disability, and community services
- Promote understanding of human rights in the ACT
- Encourage ways of improving services in the ACT for all people and increase awareness of people's rights and responsibilities when using those services
- Provide advice to government and others about their human rights obligations
- Provide a voice for children, young people, and adults in vulnerable situations; and
- Deliver services to people who have been victims of crime and promote their interests.

10.2.2 The HRC has its own Privacy Policy, which can be found at the [HRC website](#).

### 10.3 PUBLIC TRUSTEE AND GUARDIAN

10.3.1 The operations and functions of the Public Trustee and Guardian (PTG) are established by the *Public Trustee and Guardian Act 1985*. The PTG provides permanent and secure trustee, guardianship, and administration services to the ACT community.

10.3.2 The PTG has its own Privacy Policy, which can be found at the [PTG website](#).

## 10.4 THE OFFICE OF THE ACT INSPECTOR OF CORRECTIONAL SERVICES

- 10.4.1 The role of ACT Inspector of Correctional Services was established in 2017 with the passage of the *Inspector of Correctional Services Act 2017* to provide independent oversight of ACT correctional and youth justice facilities, focusing on continual improvement and prevention of ill treatment. The Inspector of Correctional Services does not handle individual complaints, but works cooperatively with oversight entities that do, in order to identify systemic issues and propose constructive recommendations to address these issues.
- 10.4.2 More information on the ACT Inspector of Correctional Services can be found on their [website](#).

## 11. INDEPENDENT OFFICES

### 11.1 ACT POLICING

- 11.1.1 ACT Policing is the community policing arm of the Australian Federal Police (AFP). ACT Policing is responsible for providing policing services to the people of the ACT. These services are provided under the auspices of a five-year arrangement between the Commonwealth and ACT Government.
- 11.1.2 The AFP is subject to the Commonwealth *Privacy Act 1988*. A copy of their Privacy Policy under the *Privacy Act 1988* can be found at the [AFP website](#).

### 11.2 LEGAL AID COMMISSION ACT

- 11.2.1 The Legal Aid Commission was established by the *Legal Aid Act 1977*. The primary purpose of the Commission is to provide vulnerable and disadvantaged Australian's with access to justice through a range of legal aid services.
- 11.2.2 The Legal Aid Commission has its own Privacy Policy, which can be found at the [Legal Aid website](#).