

## Sentencing Advisory Council Information Privacy Policy

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The Sentencing Advisory Council is committed to protecting the privacy of any personal information received or collected from the community. The Council complies with both the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic). This document explains what sort of personal information we collect, why we collect it, what we do with it, and how you may expect it to be handled.

### What does the Sentencing Advisory Council do?

The Sentencing Advisory Council is an independent government-funded body established in July 2004 by the *Sentencing (Amendment) Act 2003* (Vic). The functions of the Council under section 108C of the *Sentencing Act 1991* (Vic) are:

- to provide statistical information on sentencing, including information on current sentencing practices, to members of the judiciary and other interested persons;
- to conduct research, and disseminate information to members of the judiciary and other interested persons, on sentencing matters;
- to gauge public opinion on sentencing;
- to consult on sentencing matters with government departments and other interested persons and bodies as well as the general public;
- to advise the Attorney-General on sentencing issues; and
- to provide the Court of Appeal with the Council's written views on the giving, or review, of a guideline judgment. Guideline judgments are ones suggesting appropriate types of sentences and relevant sentencing considerations for the guidance of the courts generally.

### What sort of information does the Sentencing Advisory Council collect?

We receive and collect a variety of information, for a number of different reasons, including correspondence, submissions, research, data, and statistics. The type and amount of information that we collect from you depend on the nature of your dealings with us. In many instances we make it possible for you to submit information to us anonymously – the provision of personal information is usually optional unless you require a reply. We sometimes receive from individuals unsolicited correspondence that might mention information or opinions about another individual's welfare or conduct. We will protect such information in accordance with the relevant privacy principles.

### Why does the Sentencing Advisory Council collect personal information?

We only collect information that is necessary for our statutory functions as stated above. In accordance with relevant privacy principles, we will only collect personal information with appropriate consent, and we will explain why we are collecting it, what we will do with it, and whether or not you can provide it to us anonymously.

### What will the Sentencing Advisory Council do with your information?

The Council will only use your information in line with the purpose or related purposes for which you provide it. Generally the purpose will be self-evident, and we will explain what will be done with the information when you provide it to us, or we will endeavour to do so shortly afterwards.

### Who will the Sentencing Advisory Council give your information to?

The Council does not disclose information to third parties unless such disclosure is authorised or required by law according to the *Privacy and Data Protection Act 2014* (Vic). The Department of Justice and third-party service providers are sometimes involved in the support and maintenance of the underlying technology systems that the Sentencing Advisory Council uses. The types of third parties to whom some personal information may be partially or superficially disclosed in the course of carrying out their authorised activities include the service providers who assist in providing technology services, and those who provide archival, auditing, professional advisory, and security services. None of these other parties is permitted to reuse or disclose personal information except as outlined herein or in accordance with the *Privacy and Data Protection Act 2014* (Vic). If your personal information needs to be passed on to any other organisation for a purpose or related purposes other than that for which it was collected, we will tell you in advance and ask for your consent.

### **How will the Sentencing Advisory Council ensure that your information is accurate and up-to-date?**

In many instances, we will rely on you to provide us with accurate and current information, and to tell us when your circumstances or details change. To ensure that the information we hold about you is accurate, complete, and current, we may, where appropriate, make regular attempts to update your information.

### **How will the Sentencing Advisory Council store and protect your information?**

The information we produce and receive is collected and stored under the *Public Records Act 1973* (Vic). The Council has information privacy and security measures in place aimed at protecting against the misuse, loss, unauthorised access, or unauthorised disclosure of personal information. These measures apply to personal information in hard copy and electronic format.

### **How does the Sentencing Advisory Council deal with electronic communication?**

Protecting your privacy and your personal information is an important aspect of the way we create, organise, and implement our activities offline as well as online. You can generally access our web resources without disclosing personal information. Our website's analytics record non-personal data, such as server address, the date and time of visits to the website, operating system, and browser type. Any tracking code that may be used by the Sentencing Advisory Council on its website tracks user visits anonymously and does not identify a user personally. We will only use personal information provided by you electronically for the purposes for which it is collected. Please consult our [website privacy policy](#) for further details.

### **How does the Sentencing Advisory Council handle health information?**

Any health information held by an organisation in Victoria is protected by the *Health Records Act 2001* (Vic). The Council complies with the requirements of the *Health Records Act 2001* (Vic) in protecting the privacy of any health information that you may submit. Access to any health information related to employment matters may be requested in the manner described below.

### **How can you access your information held by the Sentencing Advisory Council?**

It is the Council's policy that, where appropriate, you should be able to request access to your personal information directly, without the need to make a formal application under the *Freedom of Information Act 1982* (Vic). However, there are situations where it will not be appropriate to provide direct access to information, and you will be required to make a Freedom of Information (FOI) application. This may be necessary, for example, where providing direct access would involve information other than your information or where it might compromise the privacy of another person. Please note that FOI applications for access to personal information will be considered in light of the exemptions from release contained in the *Freedom of Information Act 1982* (Vic).

To request access to your own personal or health information:

- contact our Privacy Officer, who will explain what you need to do to gain access to the information you believe that we hold; or
- send a letter outlining the information that you want, with proof of identity, to the Privacy Officer at the address given below.

### **What if you think that your privacy has been breached and you want to make a complaint?**

The Council will make all attempts to resolve your complaint satisfactorily. Contact the Privacy Officer by phoning **1300 363 196** or by sending a letter to the following address:

**Privacy Officer  
Sentencing Advisory Council  
Level 3, 333 Queen Street  
Melbourne 3000 Victoria**