

## **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, such as correspondence, submissions, 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.

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

The way in which information we produce and receive is collected and stored is governed by 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.

### **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.

### **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 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.

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

The Council will only use your information in line with the purposes for which you provide it. Generally, the purpose will be self-evident (such as making a submission for a consultation), and we will explain what will be done with the information when you provide it to us.

### **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 while 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. No third party is permitted to reuse or disclose personal information except 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 can you access your information held by the Sentencing Advisory Council?**

It is the Council's policy that, where appropriate an individual may ask for access to their personal information, without having to make a formal application under the *Freedom of Information Act 1982* (Vic). In some situations, such access outside the FOI Act will not be appropriate, and an individual will have to make a formal FOI request. (For example, if a third party's privacy is involved).

To request access to your own personal:

- contacting 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 Council by phoning **1300 363 196** or by sending an email to [contact@sentencingcouncil.vic.gov.au](mailto:contact@sentencingcouncil.vic.gov.au)