



Privacy policy

The Queensland Sentencing Advisory Council (QSAC) values the privacy of every individual and is committed to protecting the information it collects and uses by complying with its obligations under the [Information Privacy Act 2009](#) (IP Act).

The IP Act regulates how Queensland government agencies collect and manage your personal information and Queensland Government agencies are required to comply with it. For more information, please visit the privacy page of the [Department of Justice and Attorney-General](#) (DJAG).

Definitions

Confidential information

Confidential information may include personal information, commercially sensitive information such as contracts or tender documents, and any other data, files or documents stored on a restricted computer database.¹ While personal information may sometimes also be confidential information under an Act, it is not always the case, as 'personal information' and 'confidential information' are different classes of information. Where personal information is not also confidential information, it is defined below.

Personal information

Personal information means personal information as defined by section 12 of the IP Act which provides:

"Personal information is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion."

Examples of personal information include your name, email address, phone number and your opinions.

Unauthorised use

An unauthorised use is the use of any personal (not necessarily confidential) information contrary to the provisions of the IP Act.

What is a use is defined in section 23 of the IP Act. QSAC uses personal information for the purpose we collect the information or as otherwise required or authorised under a law. An example of an unauthorised use is where an officer accesses personal information that is not directly related to their authorised duties, including where information is searched and viewed out of curiosity.²

Unauthorised disclosure

An unauthorised discloser is the disclosure of any personal information (not necessarily confidential information) contrary to the provisions of the IP Act or other legislation.

¹ Crime and Corruption Commission, *Operation Impala Report on Misuse of Confidential Information in the Queensland Public Sector* (CCC, 2020) 21.

² Ibid 38.

What is a disclosure is defined in section 23 of the IP Act. QSAC disclose personal information for many authorised purposes as part of our daily work. An example of a disclosure is where we give personal information to someone else, or put someone else in a position for the information to be able to be found by another individual or entity, and we cease to have control over the information in relation to who will know it in the future.³ A disclosure will be unauthorised when disclosure is otherwise prohibited by legislation, including but not only by the IP Act.

Use and disclosure

Personal information held by the Council or to the Council Secretariat will be used only for the purposes for which it was given to us or for another purpose authorised or required under a law.

We do not disclose personal information about you with other government agencies, organisations or anyone else unless one of the following applies:

- you have agreed
- you would expect us to, or we have told you that we will
- it is required or authorised by law
- it will prevent or mitigate a serious and imminent threat to somebody's life or health
- the disclosure is reasonably necessary for law enforcement or for the protection of public revenue.

Submissions

The Council reviews sentencing issues at the request of the Attorney-General. Our usual practice is to seek submissions about these sentencing issues from organisations or members of the community, asking for views and opinions about the topic under review. All submissions responding to the topic under review will be considered in preparing a report for the Attorney-General.

At times, a formal 'call for submissions' will be posted on our website, which may include a submission form asking you to identify how you would like us to treat your submission. There are four classes of submission:

- **Public submissions**
The Council may publish public submissions on the website and may refer to or quote from public submissions in any publication, including the name of the person or organisation that made the submission. If the submission comes from you in a private capacity, we will redact your private details (email address, phone number and address). If the submission is made on behalf of an organisation, your work contact details (email address and phone number) may be published.
- **Anonymised public submissions**
Anyone making a submission may request for their name and other identifying information to be withheld from the public. The Council may publish these submissions on the website and may refer to or quote these submissions but will not name the source.
- **Confidential submissions**
The Council will neither refer to nor quote from confidential submissions. The Council may take confidential submissions into account but will not publish confidential submissions to the website or divulge their contents to any third party unless authorised or required to do so by law.⁴
- **Anonymous submissions**
The Council accepts anonymous submissions but will not publish or refer to them. An anonymous submission is from a person or organisation who has not provided their name or sufficient contact details to verify their identity. They will not be referred to in our reports for transparency reasons.

All submissions will be redacted in accordance with the above, prior to being published on the website.

³ Based on the definition in section 23 of the *Information Privacy Act 2009* (Qld).

⁴ For example, QSAC is a government entity subject to the *Right to Information Act 2009* (Qld). This Act allows any member of the public to seek access to any document held by the Queensland Government, including documents in the possession or control of QSAC. In circumstances where it is not contrary to the public interest to disclose your personal information or if the disclosure of your personal information is not exempt from disclosure under the Right to Information, your personal information may be lawfully disclosed under the Right to Information Act.

If you make a submission to the Council, you can indicate which category your submission is to be treated as. In the absence of a clear indication that a submission is intended to be confidential, the Council will treat your submission as public.

Submissions which will not be published

The Council will not publish any submission (or part of a submission) that:

- does not protect personal privacy and that of others. For example, if the submission contains personal information about someone else
- breaches applicable laws
- promotes a product or a service
- makes defamatory comments
- expresses discriminatory, abusive or threatening sentiments
- uses obscene or offensive language
- does address issues relevant to the particular review

If you see anything that you believe should not be published on our website, please contact us immediately and if appropriate, we will remove the offending material.

Stakeholder meeting notes

The Council is committed to maintaining open communication with stakeholders who may have an interest in a particular reference or project. During meetings, we will usually take written notes to capture important information. These notes are transcribed and held in our document management system and are available to meeting participants on request. If anything from these meetings is used in a Council publication, our practice is to seek approval from those attending the meeting and reach agreement about whether comments made by participants at the meeting are attributed to them as representatives of their organisation, or as comments made at the meeting but without attributing these to individuals.

Email correspondence

When we receive email correspondence from individuals or organisations, individual details (e.g. your name and email address and what you are writing to us about) will be used only to respond to your correspondence. Your email address details will not be added to a mailing list unless you request it, nor will we disclose these details to third parties without your agreement, unless authorised or required to do so by law.

Public records

The Council is a public authority as defined in Schedule 2 of the [Public Records Act 2002](#).

Information provided to the Council may, depending on the content of the information involved, constitute a public record and can be retained as required under the Act.

There are legal requirements that determine how long public records must be kept. The Council complies with the General Retention and Disposal Schedule authorised under s 26 of the Act for the disposal of common and administrative public records.

The Council securely stores documents within its electronic document and records management system with appropriate security classifications assigned to each document.

Access to information

The [Right to Information Act 2009](#) (RTI Act) and the IP Act give a right of access to information held by government agencies unless, on balance, it would be contrary to the public interest to release the information.

If you wish to make an application for access under the RTI Act or IP Act to information held by the Council, you can download the Right to Information and Information Privacy Access Application and submit your application via post, fax, email or in person. If your application is for non-personal information, you will pay an application fee. Processing and access charges may also apply.

You can also submit an Information Privacy Personal Information Amendment Application under the IP Act if you believe that the personal information we hold is inaccurate, incomplete, out of date or misleading.

If an application for access to information held by the Council is made under the RTI or IP Act, we have an obligation to consult with you if anything you have submitted to the Council is being considered for release to any external party, and you will have a right to object to its release. Visit the [RTI website](#) for more information.

Privacy complaints

The mishandling of personal information, can have significant consequences for individuals, and these consequences can extend beyond individuals to their family members and others, including the organisation responsible for holding the personal information.

If you believe that we have not handled your personal information in accordance with the IP Act, you may lodge a complaint:

- with QSAC – for information on how to make a complaint, and how your complaint will be handled, refer to our [Complaint management policy](#). Complaints can be made in writing to admin@sentencingcouncil.qld.gov.au, via telephone 3738 9499, or in person at 50 Ann Street Brisbane); or
- with DJAG – for information about the DJAG Complaints policy refer to the [DJAG website](#). Click here for the [DJAG privacy complaint form](#).

If you remain dissatisfied with how we have dealt with your privacy complaint, you may escalate this in writing to the Office of the Information Commissioner. For more information on the Information Commissioner's privacy complaints process, visit their [website](#).

Action following a substantiated complaint

There are a range of potential outcomes where it has been substantiated that an officer has mishandled personal information. Where such action is identified, an officer may face disciplinary outcomes which include:

- Disciplinary action such as a warning or re-training
- Demotion
- Termination of employment
- Imposition of a post-separation declaration (an official finding of misconduct relating to the employee's conduct that acts as a means of ensuring that future employers who engage effective vetting procedures are made aware of the conduct)

The officer may also face criminal charges where the unauthorised use or disclosure meets the threshold, which may result in imprisonment or a fine.

Website privacy

We use industry-standard Google Analytics on our website to gather anonymous information about visitors to our website. We use this data to analyse the pages that are visited, to improve your experience and make sure our website is useful.

Anonymous statistical information that may be collected includes:

- your browser and computer platform
- your traffic patterns through our site, such as:
 - the date and time of your visit

- the pages you visited and the files you downloaded
- the address of the referring site (the previous site you visited that linked to ours, typically a search engine)
- your server address (the network address of your internet connection).

We do not identify users or any browser activity outside this website, except in the unlikely event of an investigation, where a law enforcement agency may have a warrant to inspect activity logs.

When you visit our web pages, your browser automatically sends anonymous information to Google. Examples of the information include the web address of the page that you're visiting, your IP address and demographic information. Google may also use cookies.⁵

You can read more about [how Google uses data](#). If you don't want your data collected in this way, you can opt out by adjusting your Ad Settings or installing the Google Analytics opt-out browser add-on. This add-on instructs the Google Analytics JavaScript running on websites to prohibit sending information to Google Analytics. This information will only be made available to the Department of Justice and Attorney-General.

Further information

If you have any queries about our privacy practices please contact info@sentencingcouncil.qld.gov.au.

⁵ A 'cookie' is an electronic token that is passed to your browser when you access a website, and is typically used to store preferences, helping the website keep track of your visits and activity. This is more formally known as an HTTP cookie, a web cookie, an internet cookie, or a browser cookie. Cookies are not programs as such, they are simple 'text files' which you can read using the Notebook program on your own PC. Typically, they contain two pieces of information: a site name and unique user ID. They are a packet of data that a computer receives, then sends back without changing or altering it. A website might use cookies to keep a record of your most recent visit or to record your login information. Many people find this useful so they can store passwords on commonly used sites, or simply so they know what they have visited or downloaded in the past.