

# Privacy Policy

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## Version control

The following table outlines the high-level changes that have been made to each version of this document.

VERSION	DETAILS	AUTHOR	DATE APPROVED
1.0	Initial version	Director	June 2018
2.0	Review	Director	May 2020
3.0	Review	Director	August 2021
4.0	Review	Director	August 2022
5.0	Review	Director	September 2023
6.0	Review	Director	September 2024
7.0	Review	Director	October 2025

A copy of this Privacy Policy is made available on the [Council website](#)

# 1. Privacy policy

The Queensland Sentencing Advisory Council (the Council) values your privacy and is committed to protecting the information it collects and uses. The Council complies with its obligations under the Information Privacy Act 2009 (IP Act).

The IP Act regulates how Queensland Government agencies collect, store, and manage your personal information. The Council ensures its practices align with these requirements.

For more information, please visit the privacy page of the Department of Justice (DoJ).

# 2. 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.<sup>1</sup> While personal information can sometimes also be confidential information under an Act, this is not always the case. *Personal information* and *confidential information* are different classes of information. Where personal information is not classified as confidential information, it is defined separately below.

## Personal information

Personal information is defined under section 12 of the IP Act as:

*“..[I]nformation 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 personal information (not necessarily confidential information) in a manner that contravenes the provisions of the IP Act.

The definition of use is provided under section 23 of the IP Act. The Council uses personal information for the purpose for which it was collected, or as otherwise required or authorised under law.

An example of unauthorised use is when an officer accesses personal information unrelated to their authorised duties, such as searching or viewing information out of curiosity.<sup>2</sup>

## Unauthorised disclosure

An unauthorised disclosure is the disclosure of personal information (not necessarily confidential information) in a manner that contravenes the provisions of the IP Act or other applicable legislation.

The definition of disclosure is provided under section 23 of the IP Act. The Council discloses personal information for authorised purposes as part of its daily operations.

An example of disclosure is when personal information is shared with someone else, when someone is put in a position to access that information, and the Council no longer has control over who will know it

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

<sup>2</sup> Ibid 38.

in the future.<sup>3</sup> A disclosure becomes unauthorised when it is prohibited by legislation, including (but not limited to) the IP Act.

## 3. Use and disclosure

The Council and its Secretariat use personal information only for the purposes for which it was provided or for another purpose authorised or required by law. We do not disclose personal information to other government agencies, organisations, or individuals unless one of the following applies:

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

## 4. Submissions

The Council reviews sentencing issues at the request of the Attorney-General. As part of this practice, we may seek submissions from organisations or community members to gather views and opinions on the topic under review. All submissions received will be considered when preparing a report for the Attorney-General.

At times, a formal 'call for submissions' will be posted on the Council's website, which may include a submission form asking you to indicate how you would like the submission to be treated. Submissions can fall into one of the following categories:

### 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.<sup>4</sup>

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

<sup>4</sup> 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.

## Anonymous submissions

The Council accepts anonymous submissions but will not publish, refer to, or quote from them. Anonymous submissions lack sufficient contact details to verify the identity of the person or organisation making the submission. These submissions will not be included in reports for transparency reasons.

Important note: All submissions will be reviewed and redacted in accordance with the above categories before being published on the website. If you make a submission, please clearly indicate the category in which you would like it to be treated. In no clear indication is provided, the Council will treat the submission as public.

## Submissions that will not be published

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

- Fails to protect personal privacy and that of others (e.g., includes personal information about someone else).
- Breaches applicable laws.
- Promotes a product or a service.
- Contains defamatory comments.
- Expresses discriminatory, abusive, or threatening sentiments.
- Uses obscene or offensive language.
- Does not address issues relevant to the particular review.

If you notice any material on the Council's website that you believe should not have been published, please contact us immediately. If appropriate, the offending material will be removed.

## 5. Stakeholder meeting notes

The Council is committed to maintaining open communication with stakeholders who have an interest in a particular reference or project. During meetings, written notes are typically taken to capture key information. These notes are transcribed and securely stored in our document management system and can be made available to meeting participants upon request.

If information from these meetings is to be used in a Council publication, our standard practice is to:

- Seek approval from meeting participants.
- Reach an agreement on whether comments are attributed to participants as representatives of their organisation or included without attribution to individuals.

## 6. Email correspondence

When we receive email correspondence from individuals or organisations, personal information (e.g., your name, email address, and the subject of your message) will be used solely to address your enquiry or respond to your correspondence.

Your email address details will not be added to a mailing list unless specifically requested by you. Additionally, we will not disclose your personal information to third parties unless authorised or required to do so by law.

## 7. 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 constitute a public record, depending on its content, and can be retained in accordance with the requirements of the Act.

The retention and disposal of public records are governed by legal requirements. The Council complies with the *General Retention and Disposal Schedule* authorised under section 26 of the Act for managing the disposal of common and administrative public records.

All documents are securely stored within the Council's electronic document and records management system, with appropriate security classifications assigned to ensure their protection.

## 8. Access to information

The *Right to Information Act 2009* (RTI Act) and the IP Act provide individuals with the right to access information held by government agencies unless, on balance, releasing the information would be contrary to the public interest.

If you wish to make an application for access to information held by the Council under the RTI Act or IP Act, you can:

- Download the *Right to Information and Information Privacy Access Application*.
- Submit your application via post, fax, email, or in person.

### Application notes

If your application is for non-personal information, an application fee applies.

Processing and access charges may also apply.

If you believe that personal information held by the Council is inaccurate, incomplete, out of date, or misleading, you can submit an *Information Privacy Personal Information Amendment Application* under the IP Act.

### Consultation and objection rights

If an application for access to information held by the Council is made under the RTI Act or IP Act, the Council has an obligation to consult with you if any information you have submitted is being considered for release to an external party. You will have the right to object to its release.

For further details, visit the [RTI website](#).

## 9. Privacy complaints

The mishandling of personal information can have serious consequences for individuals, their families, and others, as well as for the organisation responsible for holding the information.

If you believe that the Council has not handled your personal information in accordance with the IP Act, you may lodge a complaint through the following channels:

### With the Council

Refer to our [Complaint management policy](#) for guidance lodging a complaint and how it will be handled.

Complaints can be made:

- By email: [info@sentrancingcouncil.qld.gov.au](mailto:info@sentrancingcouncil.qld.gov.au),
- By phone: (07) 3738 9499
- In person: 400 George Street, Brisbane

### With DoJ

For information on the DoJ Complaints Policy, refer to the [DoJ website](#).

Use the [DoJ Privacy Complaint Form](#).

## **Escalation to the Office of the Information Commissioner**

If you are dissatisfied with how your privacy complaint has been handled by the Council or DoJ, you may escalate your complaint 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**

When a complaint is substantiated, and it is determined that an officer has mishandled personal information, a range of potential outcomes apply. These include:

- Disciplinary action, such as a formal warning or re-training.
- Demotion.
- Termination of employment.
- Post-separation declaration: An official finding of misconduct relating to the employee's actions. This declaration ensures that future employers using effective vetting procedures are made aware of the misconduct.

If the unauthorised use or disclosure of personal information meets the criminal threshold, the officer may also face criminal charges, which could result in imprisonment or fines.

## **10. Website privacy**

The Council uses industry-standard Google Analytics on its website to collect anonymous information about visitors. This data helps us analyse visitor behaviour, improve user experience, and ensure the website remains useful.

Anonymous statistical information that may be collected includes:

- Your browser and computer platform.
- Traffic patterns through the website, such as:
  - The date and time of your visit.
  - The pages you visited and the files you downloaded.
  - The address of the referring site (e.g., the link that directed you to our website, typically a search engine).
  - Your server address (the network address of your internet connection).

The Council does not identify individual users or track any browser activity outside of its own website. However, in the unlikely event of an investigation, law enforcement agencies may obtain a warrant to inspect website activity logs.

When you visit our web pages, your browser automatically sends anonymous information to Google, including:

- The web address of the page you are visiting.
- Your IP address.
- Demographic information.

Google may also use cookies to collect and process data.<sup>5</sup>

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<sup>5</sup> A 'cookie' is an electronic token passed to your browser when you access a website. It is typically used to store preferences, helping the website track and manage your visits and activity. Cookies are commonly referred to as HTTP cookies, web cookies, internet cookies, or browser cookies. Cookies are not programs or software. They are simple 'text files' that can be read using basic programs, such as Notepad on a PC. Typically, a cookie contains two key pieces of information: the name of the website and a unique user ID. A cookie is essentially a small packet of data that your computer receives and then sends back to the website without changing or altering it. Websites may use cookies for a variety of purposes, including: keeping a record of your most recent visit, storing login information, and tracking activity. For many users, cookies are helpful because they allow for smoother website interactions. For example, they can save time by remembering passwords and provide convenient access to browsing history.

## More information on Google data usage

You can learn more about how Google uses data by visiting [How Google Uses Information](#).

To opt out of data collection, you can:

- Adjust your [Google Ad Settings](#).
- Install the [Google Analytics opt-out browser](#) add-on, which prevents Google Analytics JavaScript from sending your data to Google Analytics.

Note: Information collected through Google Analytics will only be made available to the Department of Justice.

## 11. Further information

If you have any queries about our privacy practices, please contact us at [info@sencouncil.qld.gov.au](mailto:info@sencouncil.qld.gov.au).