



ODPP Collection Notice – Brief out Counsel

This Collection Notice (**Notice**) explains how the Office of the Director of Public Prosecutions for Western Australia (**the ODPP**) collects and deals with your **personal information** in connection with the submission of the '[Brief Out: Expression of interest online form](#)'.

1. Definitions

In this Notice, the following definitions apply:

personal information

means information or an opinion, whether true or not, that relates to an individual, whether living or dead, and includes information such as:

- (i) a name, date of birth or address;
- (ii) a unique identifier, online identifier or pseudonym;
- (iii) contact information;
- (iv) information that relates to an individual's location;
- (v) technical or behavioural information in relation to an individual's activities, preferences or identity;
- (vi) inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information;
- (vii) information that relates to 1 or more features specific to the physical, physiological, genetic, mental, behavioural, economic, cultural or social identity of an individual.

sensitive personal information

means personal information —

- (a) that relates to an individual's—
 - (i) racial or ethnic origin; or
 - (ii) gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth; or
 - (iii) sexual orientation or practices; or
 - (iv) political opinions; or
 - (v) membership of a political association; or
 - (vi) religious beliefs or affiliations;
 - (vii) philosophical beliefs; or
 - (viii) membership of a professional or trade association; or
 - (ix) membership of a trade union; or
 - (x) criminal record; or
- (b) that is health information; or
- (c) that is genetic or genomic information (other than health information); or
- (d) that is biometric information; or
- (e) from which information of a kind referred to in any of paragraphs (a) to (d) can reasonably be inferred.

2. Types of information we will collect

As brief out counsel, the types of **personal** and **sensitive personal information** we:

(a) will collect about you includes your:

- (i) name and contact details (phone number, email, street address);
- (ii) date of birth;
- (vii) date of admission to the Supreme Court of WA;
- (viii) professional information, such as, experience, training and your résumé;
- (ix) insurance details.

(b) may collect about you includes your:

- (i) pronouns;
- (ii) gender identity;
- (iii) demographic information, such as, whether you identify as Aboriginal or Torres Strait Islander or as a person who is LGBTQIA+, your country of origin, language spoken at home;
- (iv) information about any injuries, disabilities or health conditions that you have.

You are under no obligation to provide the ODPP with **sensitive personal information**. However, the information that you do provide can help us to:

- (i) support and manage any specific needs that you may have; and
- (ii) make any necessary adjustments or modifications to ensure that you are able to perform your functions as brief out counsel.

3. What if I don't want to provide my personal information?

The ODPP may not be able to engage you or support you as brief out counsel if you are unwilling to provide your **personal information**.

Where **personal information** is not provided by prospective or current brief out counsel when reasonably requested, the ODPP may be unable to lawfully or effectively engage you as brief out counsel.

4. Why we collect your information

The ODPP collects **personal information** to:

- (i) determine suitability for engagement;
- (ii) ensure you are paid in accordance with the ODPP brief out counsel Schedule of Fees;
- (iii) discharge its duty of care under work health and safety legislation;
- (iv) understand brief out counsel profile/demographics and performance against strategic workforce targets;
- (v) identify training and development needs, enable registration for training events, and reporting on training compliance;
- (vi) make necessary and reasonable adjustments to engagement processes or work practices;

- (vii) investigate and manage suspected misconduct, fraud, corruption or breaches of discipline;
- (viii) gauge satisfaction or seek views on operational matters affecting brief out counsel;
- (ix) ensure compliance with ODPP policies and procedures, including regarding acceptable use of ODPP resources;
- (x) meet statutory compliance and reporting obligations or compliance with industrial instruments;
- (xi) facilitate travel and accommodation;
- (xii) manage the allocation and use of government and ODPP assets;
- (xiii) manage identity, access control, system permissions and building access;
- (xiv) support incident or crisis/emergency management;
- (xv) support protective security;
- (xvi) provide to complainants and witnesses.

We may also **de-identify** your personal information and use the de-identified information to comply with our reporting obligations, in support of funding business cases, for internal training purposes, and to identify demographic trends.

Where the ODPP seeks to collect **sensitive personal information**, as defined under the [PRIS Act](#), it will seek consent beforehand – unless it is required not to.

5. Who do we share your personal information with?

Personal information collected by the ODPP from brief out counsel may be disclosed to:

- (i) third parties (contracted service providers such as travel and accommodation providers) providing managed services for the ODPP, including payroll, human resources system management and financial system management and IT Operations providers;
- (ii) financial institutions and superannuation trusts;
- (iii) emergency first responders;
- (iv) other public sector agencies, within Western Australia or federally;
- (v) defence counsel;
- (vi) any entity to whom the ODPP is authorised or required by law to disclose employee personal information to.

The **personal information** of brief out counsel is not disclosed outside Australia, in compliance with Information Privacy Principle (**IPP**) 9. Disclosures within Australia occur only when permitted and in accordance with IPP 2.

The collection and disclosure of **personal information** may be authorised by the:

- [*Public Sector Management Act 1994*](#)
- [*Work Health and Safety Act 2020*](#)
- [*Financial Management Act 2006*](#)
- [*State Records Act 2000*](#)
- [*Corruption, Crime and Misconduct Act 2003*](#)
- [*Legal Profession Uniform Law*](#)

6. Access and Correction (IPP 6)

Section 27 of the PRIS Act provides that IPP 6 does not apply to the ODPP.

However, if it is appropriate and consistent with the ODPP's functions, processes and legal obligations, the ODPP may consider requests from brief out counsel to:

- (i) access personal information contained in an expression of interest form;
- (ii) to correct any errors or omissions identified.

7. Who can you contact for more information?

For any queries regarding this Notice or the ODPP's privacy policy, please contact the ODPP's Privacy Officer at dpp-privacy@dpp.wa.gov.au.