



ODPP Collection Notice – Witnesses

This Collection Notice (**Notice**) explains how the Office of the Director of Public Prosecutions for Western Australia (**the ODPP**) collects and deals with the personal information of witnesses of crime.

We understand this can be a challenging time for you and want to assure you that the ODPP will take steps to protect your personal information. We will not disclose your personal information unless required to do so by law.

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

- (a) If you are a **witness** of crime, the types of **personal** and **sensitive personal information** we may collect about you includes your:
- (i) name and contact details (phone number, email, street address);
 - (ii) financial information such as, payslips, ATO assessment notice, BAS statements, invoices, bank statements and work rosters;
 - (iii) date of birth;
 - (iv) pronouns;
 - (v) gender identity;
 - (vi) 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;
 - (vii) information about the crime committed;
 - (viii) information about any injuries, disabilities or health conditions that you have;
 - (ix) information about your education, qualifications or experience.
- (b) 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 you in ways that are tailored to your needs and specific circumstances; and
 - (ii) refer you to support services that are tailored to best support you according to your needs and/or individual circumstances.

3. Why we collect your information

We collect your personal information for the following reasons:

- (a) to provide an effective, fair and independent prosecution service for the people of Western Australia; and
- (b) for the ODPP's brief of evidence in the prosecution of the crime; and
- (c) so that we can communicate with you in a way that accords with your identity (for example, referring to you by your pronouns); and
- (d) so that we understand and can be responsive to your support needs during the prosecution process, including identifying and referring you to relevant witness support services, where appropriate.

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.

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

The ODPP is required to follow the PRIS Act. However, there are exceptions which authorise the ODPP to collect or disclose your **personal information** without your consent. There are also requirements under other laws which enable the ODPP to collect or disclose information without your consent.

If you are a witness refusing to provide information, the ODPP may use a subpoena or summons to compel you to provide information or attend court.

Additionally, the ODPP may not be able to support you during the criminal proceedings if you are unwilling to provide your **personal information**.

5. Who do we share your personal information with?

We may disclose your **personal information** (including, your **sensitive personal information**):

- (a) to entities who assist us in providing our services or who perform functions on our behalf (such as third-party service providers) including:
 - (i) hosting and data storage providers;
 - (ii) travel and accommodation providers;
 - (iii) medical practitioners;
 - (iv) legal advisors; and
 - (v) external auditors
- (b) to victim and witness support referral services, such as counsellors;
- (c) to the Department of Justice, the Department of Communities and/or the Attorney-General, in response to a specific request;
- (d) local and interstate law enforcement agencies and prosecutors, if relevant;
- (e) to anyone you authorise;
- (f) where we are authorised or required to do so by law.

6. 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.

Alternatively, a party dissatisfied with any response from the ODPP may contact the Office of the Information Commissioner (WA) via their website at www.OIC.wa.gov.au