



Office of the **Director of Public Prosecutions**
for **Western Australia**



DIRECTOR OF PUBLIC PROSECUTIONS FOR WESTERN AUSTRALIA

Privacy Policy

From 1 July 2026

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Privacy at the Office of the Director of Public Prosecutions WA

1. About this Privacy Policy

The [*Privacy and Responsible Information Sharing Act 2024*](#) (**the PRIS Act**) contains the Information Privacy Principles (**IPPs**), a set of principles the Office of the Director of Public Prosecutions (**the ODPP**), must follow when handling personal information. The IPPs include a requirement to publish an up-to-date privacy policy that is clear, concise, and written in plain language.

2. Purpose

At the ODPP we handle personal information when performing our functions. This policy refers to how we use and manage that personal information in accordance with the IPPs and as required by other legislative provisions.

3. Scope

The privacy obligations outlined in this policy extend to all ODPP employees, brief-out counsel, fixed-term contractors, volunteers, contracts for service, interpreters, labour hire, and consultants. Any individual with access to ODPP information, systems, networks or applications is required to support the ODPP's compliance with our privacy obligations.

All personal information collected by the ODPP falls within the scope of this policy, unless a specific provision in another Act applies which conflicts with the PRIS Act. If there is a conflict, then the specific provision in the other Act applies.

4. Definitions for the purposes of this policy

Term	Definition
Information	Includes personal information and sensitive personal information as defined by the Act.
Personal information	Information or opinion, whether true or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from that information or opinion.
Sensitive personal information	Personal information related to a person's racial or ethnic origin, gender identity, sexual orientation or practices, political opinions or memberships, religious beliefs or affiliations, philosophical beliefs, membership of professional or trade association, membership of a trade union, criminal record, or; health, genetic or genomic, biometric information.
Primary purpose	The use or disclosure of information for the primary reason it was collected.
Secondary purpose	The use or disclosure of information for a purpose other than the primary purpose.

5. About the ODPP

The ODPP is an independent prosecuting authority for the State of Western Australia. The ODPP acts independently of the Government of Western Australia in decision-making related to criminal prosecutions.

The Director of Public Prosecutions (**the DPP**) is responsible to the Attorney General for Western Australia for the operation of the ODPP. The functions of the ODPP are prescribed by the Director of Public Prosecutions Act 1991 and other legislation, namely to:

- Commence and conduct criminal prosecutions in the Supreme, District or Children's Courts, and conduct appeals that may arise from those prosecutions.
- Conduct some prosecutions and committals in the Magistrates Court of Western Australia.
- Secure the extradition to WA of any persons required to answer any charge or serve a sentence.
- Manage matters relevant to the Criminal Property Confiscation Act and the Misuse of Drugs Act, also known as 'confiscations matters'.
- Participate in proceedings under the Coroner's Act 1996.

The ODPP also liaises with external agencies and contributes to law reform on behalf of the DPP.

The ODPP briefs external private barristers to appear in court on behalf of the DPP.

ODPP staff support victims and witnesses in relation to their participation in the criminal justice system.

The ODPP is made up of the DPP, the Deputy DPP, Consultant State Prosecutors, State Prosecutors, Government Lawyers, Paralegal staff, Legal Support Staff, and Corporate and Executive Services Staff who work in different specialised areas.

Personal Information

Personal Information is defined in the PRIS Act. It is information related to you that identifies you or could lead to you being identified. Sometimes personal information is sensitive.

Personal information is defined in the PRIS Act as *"information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion"*. The PRIS Act sets out a non-exhaustive list of examples of different types of personal information.

Put simply, if your identity can be reasonably 'worked out' from the information or an opinion, it is your personal information. Importantly, personal information:

- Does not have to be true
- Does not have to be written down or recorded
- Can be related to you directly or indirectly
- Can relate to a person who is alive or deceased.

A subset of personal information can be sensitive. Sensitive personal information includes information about your race or ethnic origin, gender identity, sexuality, political opinions or association, religious or philosophical beliefs, professional or trade union memberships, criminal record, and health, genetic, genomic or biometric information.

The PRIS Act contains additional rules that apply to the ODPP when we handle sensitive personal information. If you are unsure whether information is personal information or sensitive personal information, the [Office of the Information Commissioner \(WA\) website resources](#) may assist you.

6. Collection of Personal Information

As a **law enforcement agency**, the ODPP receives personal information relating to criminal offences from a range of sources including Western Australia Police, victims, witnesses, legal practitioners, government agencies/departments and others.

As an **employer** and as an **outsourcing entity** the ODPP (Corporate Services) also receives personal information.

(a) When we collect personal information and what we collect

Some key examples of the types of personal information the ODPP collects:

When you...	We collect...	Because...
As a... Law enforcement agency		
Engage with the ODPP as a Victim or Witness of Crime	Name and contact details. Details of your evidence which may include witness statement(s) provided to the WA Police, photographs, video or audio recordings. This may also include documents detailing any interactions with other WA government agencies or third parties. In most cases these records may contain large volumes of personal information and sensitive personal information about you or other individuals. Confirmation of your identity, if required.	We need to know who you are and how to get in touch with you. To understand the evidence that you will provide and to ensure that we have all the relevant information we need to continue to provide a fair and just independent prosecution service to the people of WA. To verify that you are the person we should be communicating with.
Visit our website	Website visit data – IP address; type of device, browser or operating system; previous site visited; date/time of site access; pages accessed and documents downloaded. Please see Note about website privacy . Your comments or requests made via our online Contact and Feedback form.	For statistical and website management purposes of the WA.gov.au website, which hosts our website. To allow us to respond to your contact and feedback request.
Visit our office (at various locations)	Name and any contact details you provide at the building security check-in point. CCTV footage may also capture you at the entrance / exit to the building.	To verify with building security that you have checked in with them and to confirm the details you have registered with building security against the details we hold about meeting attendees.
As an... Employer		
Are an employee or prospective employee	Name and contact details. Role within the ODPP, payroll and human resource management details. Prospective role, and details of your application to work with us (e.g., resume, covering letter, referee report).	To identify you and be able to contact you. To manage your employment with us. To manage the selection process relating to your prospective employment with us.
As an... Outsourcing entity		
Are a contractor or service provider to the ODPP	Name and contact details. Details contained in documents associated with your contract or services that may be personal, such as your signature and payment details.	To identify you and be able to contact you. To manage your contract with us or the services you provide to us.

(b) How we collect personal information

There are a few ways we collect personal information, including where **we ask you for it (or you give it to us)** and where **we collect it from someone else**.

Personal information will exist in hardcopy, digital format or a combination of both.

Some scenarios help to illustrate this:

Context	We ask you for your personal information when...	We collect your personal information from someone else when...
As a... Law enforcement agency		
Prosecutions	You are involved in a criminal prosecution which is being prosecuted by the ODPP.	The relevant government agency, usually the WA Police, shares copies of your evidence and the documents relevant to the prosecution. These documents may contain personal information about you or other individuals.
As an... Employer		
Employment with the ODPP	You apply for a role within the ODPP and provide your resume.	We ask your nominated referee about your work experience and suitability for the role.

(c) A note about Social Media

The ODPP uses the social media platform LinkedIn. When you comment on or engage with us on a social media platform, it is not just us collecting your personal information. The collection and management of any personal information you share is also governed by that platform’s own terms of service and privacy policy. Where you wish to engage with us, we encourage you to contact us directly.

(d) Collection Notices

We ask you for personal information in several ways, such as over the telephone, via email, through our website, by filling in a form, or when meeting with us in person.

When we ask you **directly** for personal information, we will give you a collection notice telling you the reason why – including what personal information we are asking for, why we need it, and what will happen to it.

The collection notice will be specific to the circumstance and tailored to suit the method we are using to collect your personal information. You may see it at the top of a form, in a website pop-up, in an email header or at an event entry point.

(e) Choosing not to identify yourself

In almost **all** circumstances the ODPP needs to know who you are to manage our relationship with you. However, we take steps to ensure we only collect the minimum amount of personal information we need for our functions and services.

(f) De-identifying personal information we collect

In limited circumstances we de-identify personal information we collect and hold for the purposes of:

- Providing other government agencies with information for the purposes of performing law enforcement functions;
- Reporting or developing training and guidance materials.

When we de-identify information for these purposes we take steps to protect the de-identified information from misuse and loss and from unauthorised re-identification, access, modification or disclosure.

7. Limits on use and disclosure of personal information

We do not use or disclose your personal information outside of the reason we told you in the collection notice, unless strict conditions are met. This includes where you have consented or where a law requires us to.

Once personal information is collected by the ODPP, the handling of that personal information depends on whether the ODPP is acting in the capacity of a **law enforcement agency**, or as part of non-law enforcement functions as an **employer** or **outsourcing entity**.

The State Records Act 2000

The ODPP is bound by the *State Records Act 2000*, meaning it must dispose of records, including records containing personal information, when they are no longer required for any purpose. Approved retention and disposal authorities determine the retention period for such records: the General Retention and Disposal Authority for State Government Information, and ODPP Functional Specific Schedule DA-2016-017.

8. ODPP's obligations under the PRIS Act

The ODPP is required to comply with the IPPs unless it is reasonably necessary not to comply. The principal role of the ODPP is to perform **law enforcement** functions. However, there are certain **exceptions** which may apply if the ODPP believes, on reasonable grounds, that non-compliance is necessary.

Under the Act, **law enforcement** functions or activities include:

- prevention, detection, investigation or prosecution of a crime;
- confiscating the proceeds of crime;
- enforcing the law;
- executing court orders;
- preparing for or conduct of proceedings in a court;
- or protecting public revenue.

The IPPs may not apply if there is a specific provision in another Act that applies to the handling and sharing of information which conflicts with the IPPs. If there is a conflict, then the specific provision in the other Act applies.

Privilege

The ODPP is bound by legal professional privilege (including common purpose privilege and public interest privilege). These common law principles take precedence over the PRIS Act.

9. Application of the IPPs

The Act contains [11 IPPs](#) which apply to the ODPP unless an **exception** applies.

IPP 1 - Collection

The ODPP collects personal information by lawful and fair means to carry out its functions and activities.

Where the ODPP collects or receives personal information for reasons other than **law enforcement**, persons from whom personal information is collected will be notified about how their personal information will be used and/or disclosed, and how they can gain access to their personal information.

For **law enforcement** functions, an **exception may apply**, if the ODPP believes on reasonable grounds that non-compliance with an IPP is necessary.

IPP 2 – Use and Disclosure

How personal information can be used or disclosed under the PRIS Act is governed by IPP2 which provides that personal information held by the ODPP should only be used or disclosed for the **primary purpose** for which it was collected.

BUT, IPP2 also says that the ODPP can depart from this rule if an **exception** applies:

- (a) For a related secondary purpose that the person would reasonably expect
- (b) With the consent of the person
- (c) For public interest research where no identifying information is published
- (d) To lessen or prevent a serious threat to an individual or the public
- (e) To investigate or report unlawful activity
- (f) As required or authorised by another law
- (g) For a law enforcement agency to perform a **law enforcement** function
- (h) For proceedings before a court or tribunal

IPP 3 – Information Quality

The ODPP takes reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

IPP 4 – Information Security

Personal information held by the ODPP must be protected from misuse, loss, unauthorised access, modification and disclosure. All information held by the ODPP is kept in a secure environment.

The ODPP is required to archive and retain personal information in accordance with the [State Records Act 2000 \(WA\)](#).

IPP 5 – Openness and Transparency

The Privacy Policy describes:

- (i) the types of personal information held;
- (ii) how personal information is managed;
- (iii) the purpose for which it is held; and
- (iv) how that personal information is handled.

The Privacy Policy is made public via the ODPP’s website.

IPP 6 – Access and Correction

The ODPP is an agency as defined in the [Freedom of Information Act 1992 \(WA\)](#) Glossary clause 1. Therefore, section 27 of the Act provides that IPP6 does **not** apply to the ODPP.

IPP 7 – Unique Identifiers

The ODPP uses unique identifiers, usually a number, to enable it to carry out its functions efficiently.

IPP 8 – Anonymity

If it is lawful and practicable, a person must have the option of not identifying themselves when interacting with the ODPP. **BUT**, usually in relation to the ODPP’s **law enforcement** functions it is necessary for individuals to be identified.

IPP 9 – Disclosures Outside Australia

The ODPP must not ordinarily disclose personal information outside Australia unless a comparable privacy law or scheme exists in the receiving country.

IPP 10 – Automated Decision Making (ADM)

The ODPP must assess and be transparent about any use of ADM processes which may be subject to requests for human review where processes result in significant decisions about individuals.

The ODPP will undertake human review where the use of Artificial Intelligence may lead to significant decisions about individuals.

IPP 11 – De-identified information

The ODPP must reasonably protect deidentified personal information from misuse, loss, unauthorised reidentification, access, modification or disclosure.

KEY

	IPP applies
Green	✓ - always
Amber	✓ - subject to exception(s)
Red	x - never

10. Other uses and disclosure by the ODPP

The ODPP policy and practice on the collection and use of specific types of personal information are set out below:

Unsolicited information

The ODPP receives personal information from individuals in the form of letters, emails, phone calls and text messages that mention other individuals. These may refer to another person's welfare or conduct. Where this personal information relates to **law enforcement**, the ODPP is not obliged to notify the individual that their personal information has been collected if they believe it is reasonable not to in the circumstances. If the ODPP does not notify the individual, the personal information will be protected in accordance with the relevant IPPs and the ODPP policies and guidelines.

Integrated Court Management System (ICMS)

ICMS is a system used by several **law enforcement** agencies within the Criminal Justice System in WA. It captures some of the personal information necessary for prosecution and court proceedings across several jurisdictions.

Access to ICMS is for performance of duties only and is subject to authorisation of users by the DPP, senior managers and the Legal Information Management Officer. The use of ICMS is also audited by the Department of Justice, WA.

Media

The ODPP Media policy stipulates strict guidelines regarding the types of personal information that may be disclosed to the Media.

All disclosure of personal information to the Media is subject to the approval of the DPP.

Prosecution

Prosecution is a case management system used by Western Australia Police Force to create, commence and manage a criminal prosecution. ODPP employees are authorised to access 'Prosecution' for the purposes of performing **law enforcement** functions.

Police Records and Criminal Histories

The ODPP obtains and provides criminal history information as required as part of its law enforcement function or where there is a legal requirement to do so.

Statements of Material Facts (SMF)

SMF is a system used by Western Australia Police Force to capture the Statements of Material Facts for the purpose of commencing a criminal prosecution in Western Australia. ODPP employees are authorised to access SMF for the purposes of performing **law enforcement** functions.

11. A note about website privacy

The WA government manages the ODPP's website (through WA.gov.au). On a whole-of-WA government basis, website visit data – which includes IP address, type of device, browser or operating system you are using, the previous site you visited, date/ time you accessed our website, the pages you accessed and documents you downloaded – is collected for statistical and system administration purposes, including:

- Monitoring and protecting WA.gov.au from cyber security threats
- Monitoring website performance to enhance your experience when using WA.gov.au
- Understanding usage trends to make sure WA.gov.au is meeting the needs of its users.

The WA government does not use website visit data to identify you, except in circumstances requiring the involvement of **law enforcement**. To find out more please review the [Terms of Use](#) and [Privacy Policy](#).

Use of third-party services

Third party analytics services, such as Google Analytics, automatically collect information about your interaction with our website hosted on WA.gov.au. We may access website usage information from these services to better understand how the website is used and to improve it.

To find out more about how [Google Analytics](#) handles the information it collects, please review their privacy policy.

12. Designation

The ODPP is required to designate a Privacy Officer and an Information Sharing Officer whose responsibilities are prescribed in the PRIS Act:

Privacy Officer	Chief Digital and Information Officer
Information Sharing Officer	Legal Information Management Officer

13. Contact us

Do you have questions about our privacy policy and our personal information practices? Do you have a concern or complaint about how we handled your personal information?

You can contact our Privacy Officer at: dpp-privacy@dpp.wa.gov.au

14. Administration

Short Description:	Privacy Policy
Relevant to:	All employees of the ODPP
Version:	1
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Table of Amendments

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1	01/07/2026	First Version