

Privacy notice for visitors to Corrective Services NSW correctional centres and residential facilities

Corrective Services NSW (CSNSW) collects and holds personal information from any person who applies to visit a CSNSW correctional centre or residential facility.

There are laws to ensure that any personal information collected by CSNSW, and other NSW Government agencies, is collected, protected, used and disclosed appropriately.

The laws include the ***Privacy and Personal Information Protection Act 1998*** (PIIP Act) and the ***Health Records and Information Privacy Act 2002*** (HRIP Act).

The ***Crimes (Administration of Sentences) Regulation 2008*** (CAS Regulation) is also relevant to visitors and their information.

Definitions

A **correctional centre or residential facility** is any premises proclaimed as a correctional centre or residential facility by lawful authority under the ***Crimes (Administration of Sentences) Act 1999*** (CAS Act).

Personal information is information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. It includes such things as an individual's name, alias, date of birth, address, physical descriptions, ethnic or racial background, languages spoken, religious beliefs, employment history, income, finances, intelligence, fingerprints, retina prints, body samples and genetic characteristics. See section 4 of the PIIP Act for the full definition.

Health information is personal information that is information or an opinion about the physical or mental health or a disability (at any time) of an individual, or an individual's express wishes about the future provision of health services to him or her, or a health service provided, or to be provided, to an individual. See section 6 of the HRIP Act for the full definition.

Health information is a sub-category of personal information. Therefore, health information in the HRIP Act can also be described as personal information. This document will mainly use the term personal information.

Biometric information includes all aspects of a person's physical characteristics (such as fingerprints and iris scans) and all aspects of a person's behavioural characteristics (such as tone of voice and style of handwriting). Photographs taken as part of the biometric identification process are also biometric information. The meaning of biometric information is in

clause 329 of the CAS Regulation. Biometric information is a type of personal information.

What personal information is collected?

CSNSW may collect and store the personal information of visitors such as:

- Full name, date of birth, address and telephone number;
- Driver's licence, passport or other photographic evidence;
- Signature;
- Car registration;
- General descriptive appearance e.g. height, weight, hair colour etc;
- Fingerprints, iris scans and photographs;
- Other evidence to support the identity of an individual;
- Video or closed-circuit television footage;
- General health description;
- Past criminal history, both in New South Wales and elsewhere;
- Educational and employment background;
- Purpose of the visit, and where appropriate, the authority for the visit;
- Relationship between each visitor and the offender visited.

Why is a visitor's personal information collected?

- To help ensure the safety of staff, visitors and offenders;
- To identify visitors;
- To assist NSW Health Services if a visitor needs medical attention;
- To assist in accommodating special medical conditions.

Can a visitor refuse to give their personal information?

For the purpose of visiting a CSNSW correctional centre or residential facility in any capacity, a prospective visitor may refuse to give personal details to CSNSW. There is no legal obligation for prospective visitors to supply personal information, nor are there any legal ramifications if a visitor refuses to supply personal information. However, any prospective visitor who refuses to supply certain personal information will be denied access to CSNSW correctional centres and residential facilities.

To gain access to CSNSW correctional centres and residential facilities, visitors are legally required to provide details of their identity (including the visitor's name, address and date of birth). Visitors may also be required to provide satisfactory evidence of their identity. See the CAS Regulation for details.

Storage, use and disclosure of personal information

The personal information of visitors, and information about a visit, except for biometric information, is generally stored locally by each CSNSW correctional centre or residential facility on a database and/or on the central OIMS (Offender Integrated Management System) database.

The personal information provided by visitors for the purposes of biometric identification is stored on a central biometric identification database, which is called the Statewide Biometric Identification System. Fingerprint and iris scans are converted immediately to an algorithm and only the biometric algorithm is stored on the Statewide Biometric Identification System. Photographs taken as part of the biometric identification process are stored on the Statewide Biometric Identification System. The photograph of each visitor who has not attended or attempted to attend a CSNSW correctional centre for a period of six consecutive months is automatically permanently deleted. Visitors that do not expect to visit a correctional centre again can request to have their photograph deleted and this will be done as soon as possible.

Databases and the Statewide Biometric Identification System can only be accessed by authorised persons. However, under certain circumstances, as permitted by law, a visitor's personal information (including photograph) may be disclosed to other public sector agencies.

Generally, the information about visitors is only used to facilitate visits; ensure the safety of staff, visitors and offenders; and manage the security of a correctional centre or residential facility. CSNSW staff may also use the information for other legitimate purposes such as child protection matters, processing requests and enquiries from offenders, and for investigative purposes.

Access to and amendment of your personal information stored by CSNSW

Under section 9(1) of the ***Government Information (Public Access) Act 2009*** (GIPA Act), if you make an access application for information held by CSNSW, you have a right to be provided with access to the information unless there is an overriding public interest against disclosure of the information. Under section 8 of the GIPA Act, you may make an informal request for the release of information held by CSNSW.

Under section 15 of the PPIP Act, you have the right to request the amendment of personal information about you that is held by CSNSW.

Under section 14 of the PPIP Act, you have the right to request access to personal information about you that is held by CSNSW. Nevertheless, section 20(5) of the PPIP Act states: 'Without limiting the generality of section 5, the provisions of the GIPA Act that impose conditions or limitations (however expressed) with respect to any matter referred to in section 13, 14 or 15 are

not affected by this Act, and those provisions continue to apply in relation to any such matter as if those provisions were part of this Act.'

In addition, under clauses 7 and 8 of Schedule 1 to the HRIP Act, also known as Health Privacy Principles (HPPs) 7 and 8, you may request access to or amendment of your health information held by CSNSW. However, section 22(3) of HRIP Act provides: 'Without limiting the generality of subsection (1), the provisions of the GIPA Act and the PPIP Act that impose conditions or limitations (however expressed) with respect to any matter referred to in HPP 6 (Information about health information held by organisations), HPP 7 (Access to health information) or HPP 8 (Amendment of health information) are not affected by this Act, and those provisions continue to apply in relation to any such matter as if those provisions were part of this Act.'

Accordingly, any request for access to personal information made under section 14 of the PPIP Act or access to health information made under HPP 7 will be processed as if it had been made under the GIPA Act and any request for the amendment of health information made under HPP 8 will be processed as if it had been made under section 15 of the PPIP Act.

For all enquiries about the application of the PPIP Act, the HRIP Act and the GIPA Act in CSNSW, contact the Office of the General Counsel in the Department of Justice.

Email: infoandprivacy@justice.nsw.gov.au

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