

JUDICIAL COMMISSION OF NSW CODE OF PRACTICE

This is a code of practice made in accordance with Part 3 Division 1 of the *Privacy and Personal Information Protection Act 1998*.

1. Coverage

This code is intended to cover the Judicial Commission of New South Wales in relation to its activities of monitoring or assist in monitoring sentences imposed by courts, and disseminating information and reports on sentences imposed by courts for the purpose of assisting courts to achieve consistency in imposing sentences.

2. Interpretation

In this code:

“agency” means public sector agency as defined in section 3 of the *Privacy and Personal Information Protection Act 1998*;

“Commission” means the Judicial Commission of New South Wales;

“functions” means functions of the Commission as set out in the section 8 of the *Judicial Officers Act 1986* consisting of monitoring or assist in monitoring sentences imposed by courts, and disseminating information and reports on sentences imposed by courts for the purpose of assisting courts to achieve consistency in imposing sentences;

“information” means personal information as defined in section 4 of the *Privacy and Personal Information Protection Act 1998*;

“section” refers to sections of the *Privacy and Personal Information Protection Act 1998*.

3. The Code

Section 8

There is no intention to depart from the requirements of section 8.

Section 9

Compliance with section 9 is not required if compliance might detrimentally affect or prevent the exercise by the Commission of its functions.

Section 10

Compliance with section 10 is not required if compliance might detrimentally affect or prevent the exercise by the Commission of its functions.

Section 11

There is no intention to depart from the requirements of section 11.

Section 12

There is no intention to depart from the requirements of section 12.

Section 13

Compliance with section 13 is not required if compliance might detrimentally affect or prevent the exercise by the Commission of its functions.

Section 14

Insofar as the Commission is not exempted from the release of information connected with research by the provisions of the *Government Information (Public Access) Act* 2009, this clause enables the Commission to refer requests for information relating to individuals back to the agency from which the information was originally obtained to seek that information.

Section 15

Compliance with section 15(1) and (3) is not required if compliance might detrimentally affect or prevent the exercise by the Commission of its functions.

Section 16

There is no intention to depart from the requirements of section 16.

Section 17

There is no intention to depart from the requirements of section 17.

Section 18

Section 18 does not operate to prevent other agencies from disclosing information to the Commission if, in connection with the Commission's functions, the disclosure is made in response to a request from the Commission for information or by arrangement with the Commission. Section 18 also does not operate to prevent the Commission from providing personal information to judicial officers and courts in connection with its functions.

Section 19

Section 19 does not operate to prevent other agencies from disclosing information to the Commission if, in connection with the Commission's sentencing function, the disclosure is made in response to a request from the Commission for information or by arrangement with the Commission. Section 19 also does not operate to prevent the Commission from providing personal information to judicial officers and courts in connection with its functions.

Public Registers

Part 6 of the *Privacy and Personal Information Protection Act* 1998 does not operate to prevent the Commission from obtaining, in the exercise of its functions, information, including suppressed information, kept on a public register by an agency.