

HUMAN RESOURCE MANAGEMENT POLICY



Office of the Information Commissioner
Queensland

VICTIMS OF CRIME ASSISTANCE POLICY

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1.1 Introduction

The *Victims of Crime Assistance Act 2009* (VoCA Act) contains fundamental principles of justice which underlie the treatment of victims of crime. Sections 8, 9 and 10 apply to the Office of the Information Commissioner when interacting with or providing services to victims of crime. As part of their Code of Conduct obligations, OIC staff treat all members of the public, including victims of crime, with the respect and consideration reflected in these principles.

1.2 Who is a victim of crime?

Under section 5 of the VoCA Act, a **victim** is a person who has suffered harm—

- (a) because a crime is committed against the person; or
- (b) because the person is a family member or dependant of a person who has died or suffered harm because a crime is committed against that person; or
- (c) as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.

1.3 Fair and dignified treatment

Section 8 of the VoCA Act provides that victims of crime are to be treated with courtesy, compassion, respect and dignity. OIC staff providing services to victims of crime are to take into account, and be responsive to, the particular needs of such individuals, including for example, needs relating to the victim's age, sex or gender identity, race or indigenous background, cultural or linguistic diversity, sexuality, impairment, or religious belief. Note that under this section a victim includes any person who has suffered harm as a direct result of witnessing a crime committed against someone else.

If you are uncertain whether a victim of crime requires specific assistance, seeking their input is important; ask if they have any preferences or special needs in the context of the service you are providing. If you are uncertain as to how to accommodate particular needs or requests, you should speak with your direct supervisor for guidance.

1.4 Privacy of Victims of crime

Under section 9, a victim's personal information, including their address and telephone numbers, held by OIC are not to be disclosed to a person other than as authorised under an Act or law.¹

OIC staff are subject to the privacy principles in the *Information Privacy Act 2009* (IP Act). The IP Act allows disclosure of personal information in a number of circumstances, including where the disclosure is authorised or required by a law. In addition, under section 110(6) of the *Right to Information Act 2009* and section 123(6) of the IP Act, OIC is required to publish decisions of the Information Commissioner. Published decisions ordinarily include the last name of the applicant.

This means that generally a victim's personal information should only be disclosed under legal authority or with the individual's consent. In certain limited circumstances, having regard to the VoCA Act's principles and the *impact* release of information could have on the victim, it may be necessary to ensure non-disclosure of additional non-identifying information. An example of this and the reasons for de-identifying the applicant is set out in 0ZH6SQ and Queensland Police Service.²

1.5 Information about Services

Under section 10 of the VoCA Act, victims of crime are to be given timely information about available welfare, health, counselling, medical and legal help, financial assistance, compensation and restitution entitlements and any other relevant support services available. This applies only to the extent the information relates to OIC's functions or is otherwise reasonable and practicable for OIC to provide.

OIC publishes a number of information sheets, including information about making applications under the RTI and IP Acts, making privacy complaints, applying for financial hardship, and seeking reviews of agency decisions, which are available on request to all members of the public through the OIC website.

OIC's Enquiries Service operates from 8:30 am to 4:30 pm on business days and provides specific information in response to queries from members of the public, including victims of crime. Where appropriate and/or requested, Enquiries staff provide enquirers with information about community legal organisations and other Queensland government agencies who may be able to assist them.

¹ Again, note that under this section a victim includes any person who has suffered harm as a direct result of witnessing a crime committed against someone else.

² 0ZH6SQ and Queensland Police Service (310902), Office of the Information Commissioner (Qld), 25 May 2012.

Other OIC staff who receive queries may refer enquirers to the Enquiries Service to provide them with information in accordance with section 10 of the VoCA Act. All OIC staff are to make every reasonable effort to assist victims of crime with their enquiries in relation to OIC's functions.