

14 August 2025

By email: privacy@abs.gov.au

Dear Sir/Madam

Supplementary PIA - Integration of Detailed Justice Data into PLIDA

The Office of the Information Commissioner (**OIC**) welcomes the opportunity to provide feedback in relation to the privacy impacts associated with integrating Detailed Justice Data into Person Level Integrated Data Asset (**PLIDA**) for research purposes.

The OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009 (RTI Act)* and *Information Privacy Act 2009 (IP Act)*.

OIC acknowledges the significant benefits derived from public sector entities, such as the Australian Bureau of Statistics (**ABS**), sharing reliable data with researchers. However, information which draws inferences about an individual's interactions with the justice system is inherently sensitive. As such, OIC is supportive of the ABS conducting a supplementary Privacy Impact Assessment (**PIA**) to ensure that this data sharing does not compromise individual privacy rights.

OICs feedback is confined to privacy considerations relating to data ethics, data quality and potential risks.

About the OIC

The OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009 (RTI Act)* and *Information Privacy Act 2009 (IP Act)*.

The RTI Act promotes openness, accountability and transparency by facilitating greater access to government-held information. It supports the administrative release of government-held information as a matter of course, for example, through an agency's website, publication scheme, disclosure log, open data portal or administrative access scheme.

The IP Act provides for the fair collection and handling of personal information by agencies and provides for the Mandatory Notification of Data Breach scheme. The IP Act is intended to operate subject to the provisions of other Acts regulating the collection, storage, handling, accessing, amendment, management, transfer, use and disclosure of personal information.

In Queensland, agencies must comply with the Queensland Privacy Principles outlined in the IP Act when managing personal information. Personal information is any information about an identified individual or an individual who is reasonably identifiable from the information.¹ Personal information includes sensitive information (for example, criminal record), which is a specific category of personal information defined in Schedule 5 of the IP Act.

Queensland's IP Act shares similar features to the Commonwealth's *Privacy Act 1988* particularly in relation to privacy principles and data breach schemes. The ABS, as a Commonwealth organisation,

¹ Section 12 of IP Act

is an Australian Privacy Principles (APP) entity and bound by the *Privacy Act 1988*. APP entities are excluded entities for the purpose of the IP Act and are not bound by the Act.²

Key observations

PLIDA

PLIDA is a person-based research data asset that combines broad sets of data about Australian residents during a reference period (2006 to present) and facilitates the use and re-use of available data for authorised statistical analysis and research conducted by approved research institutions from government, universities, and public policy institutes. The ABS and other entities contribute data to, and have a responsibility for data within, PLIDA.

The ABS is the accredited integrating authority for PLIDA. It is responsible for combining the datasets, providing access to authorised users, data security and ensuring that research results and other outputs are produced in a manner that is unlikely to enable the identification of a particular individual.³

Detailed Justice Data

The supplementary PIA relates to integrating Detailed Justice Data into PLIDA for research purposes. Detailed Justice Data includes:

- any records from police, courts, corrections facilities, and/or justice departments, relating to a Data Subject's interactions with those entities in relation to suspected or actual criminal conduct. For example, this may include information about a Data Subject's police charges, criminal court appearances and sentencing, or detention or non-custodial sentences; and
- any data from other entities referencing a Data Subject's interactions with police, courts, corrections facilities, and/or justice departments in relation to suspected or actual criminal conduct. For example, this may include information about a Data Subject's participation in an employment or housing program which indicates that the Data Subject has a criminal conviction or interactions with domestic violence or drug offences in their background.⁴

Privacy considerations

Data ethics

OIC considers it is critical that a detailed analysis is conducted in relation to the ethical use of Detailed Justice Data into PLIDA for research purposes. The *OECD Good Practice Principles for Data Ethics in the Public Sector* provides the following:

Upon being informed about how and with whom personal and collectively owned data is shared, individuals (including citizens and residents) and communities should be given decision-making power to exercise autonomy, control, and agency over their data, and to freely give or withdraw consent to its use.⁵

OIC is interested whether individuals and, more broadly, communities are aware that their personal and sensitive information is being used for research purposes via PLIDA.⁶ Also, whether individuals have the option to opt out and have their personal and sensitive information removed from PLIDA.

² See section 18(2) and (4)(a) and Schedule 2, Part 1(7) of IP Act

³ Maddocks' *Project Description – integration of detailed justice data to PLIDA* at 1.1-1.3

⁴ As above at 1.5

⁵ [OECD Good Practice Principles for Data Ethics in the Public Sector \(EN\)](#) at p10.

⁶ OIC presumes that Queensland agencies are relying of QPP 6.2(g) when disclosing personal information to ABS for research purposes (secondary purpose).

Individuals may expect to have a certain level of control over information relating to their interactions with the justice system. It is OICs view that using this information for research purposes via PLIDA is beyond reasonable contemplation, especially when collected by not-for-profit organisations. Consideration should be given to data custodians communicating to individuals at the point of collection about how their personal and sensitive information relating to interactions with the justice system may be used for research purposes via PLIDA.

OIC is also interested whether individuals will be notified if the use or purpose of the collected Detailed Justice Data changes, for example, legislation is amended to provide access to identifying information.

Data quality

OIC holds a number of concerns relating to the integration of Detailed Justice Data into PLIDA for research purposes, including:

- the subjectiveness of the term 'suspected' criminal conduct as it may lead to poor data quality and impact research findings
- inadvertently or mistakenly capturing the personal and sensitive information of victims and witnesses
- the quality of data provided by other entities, such as not for profit organisations, as it may be impacted by varying levels of recordkeeping, accuracy standards, data literacy and data governance.

Consideration should be given to authorised users consulting with data custodians to ensure the data used is being interpreted correctly.

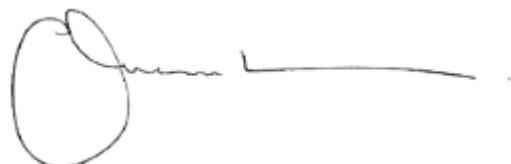
Potential risks

OIC considers the integration of Detailed Justice Data into PLIDA for research purposes poses the following risks:

- risk of re-identification of individuals when the Detailed Justice Data is linked to other data for research projects. This risk extends to victims and witnesses that may have been inadvertently or mistakenly captured in the data.
- risk of harm to individuals in the event of a data breach or misuse of information
- risks associated with reduced privacy maturity of other entities such as not for profit organisations including data security.

Thank you for the opportunity to provide feedback in relation to this PIA process. Should you require further information regarding the above matters, please contact us at policy@oic.qld.gov.au or on 07 3234 7373.

Yours sincerely



Joanne Kummrow
Information Commissioner